

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
REGULAR SESSION
Of 1975

HELD IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, MAY 6, 1975



Vol. 1

WITH AN INDEX PREPARED BY THE
CLERK OF THE HOUSE

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**JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
REGULAR SESSION OF 1975**

FIRST DAY

Montgomery, Tuesday, May 6, 1975
State Capitol of Alabama

JOURNAL

of the House of Representatives of the State of Alabama, of the Regular Session of 1975, begun and held at the Capitol in the City of Montgomery, State of Alabama, on the first Tuesday in May, 1975, being the sixth day of the month in the Year of our Lord, One Thousand Nine Hundred and Seventy-Five, at 12 o'clock, M., on which day, the day fixed by law for the meeting of the Legislature of Alabama, was called to order by Honorable Joe C. McCorquodale, Jr., Speaker of the House of Representatives.

PRAYER

The session was opened with prayer by the Reverend David Bentley, Pastor, First Baptist Church, Tallassee, Alabama.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt.

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A quorum was present.

LEAVE OF ABSENCE

At the request of Mr. Crowe, leave of absence was granted for Mr. Frank Jackson, due to illness.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to notify the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Crowe:

H. R. 1. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House notify the Senate that the House is now in session and is ready for the transaction of public business.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. R. 1, was adopted.

Also:

By Mr. Crowe:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, the Senate concurring, that a committee of three members of the House, to be named by the Speaker of the House and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. J. R. 2, was adopted.

COMMITTEE APPOINTED

And the Speaker appointed as a committee on the part of the House, Messrs. Whatley, Roberts and Taylor.

Also:

By Mr. Crowe:

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two Houses adjourn today that they stand in recess until May 27, 1975 at 4:00 p. m.

BE IT FURTHER RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That this recess be without pay.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. J. R. 3, was adopted.

Also:

By Mr. Smith (J):

H. J. R. 4. TO PROVIDE FOR THREE CONFERENCES TO BE ATTENDED BY MEMBERS OF THE CONSTITUTION AND ELECTIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES,

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MEMBERS OF THE CONSTITUTION AND ELECTIONS COMMITTEE OF THE SENATE, MEMBERS OF THE ALABAMA CONSTITUTIONAL COMMISSION AND OTHER DESIGNATED LEGISLATORS.

WHEREAS, the Alabama Constitutional Commission was created by Act No. 753, approved September 12, 1969, (Acts 1969-70, Vol. II, p. 1330) and continued by Act No. 95, approved May 11, 1971 (Acts 1971, Vol. I, p. 165); and

WHEREAS, the Alabama Constitutional Commission made its final report to Governor George C. Wallace and to the Legislature on May 1, 1973; and

WHEREAS, it is desirable for certain members of the Legislature of Alabama to have an opportunity to meet with the Alabama Constitutional Commission to gain knowledge of the final report of the Commission.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of the House Committee on Constitution and Elections, the members of the Senate Committee on Constitution and Elections, the Chairman of the House Judicial Committee, the Chairman of the Senate Judicial Committee, one additional member of the House of Representatives to be designated by the Speaker of the House and one additional member of the Senate to be designated by the President of the Senate be authorized to attend a joint conference with the Alabama Constitutional Commission on three, three day, week ends, the time and place of each such conference to be determined by the Chairman of the Constitution and Elections Committee of each house. The members of the Committee shall be paid the same compensation and expenses as provided them for legislative sessions, except that members shall in addition thereto be compensated for their actual travel expenses incurred by travel outside Montgomery in the performance of committee duties. Such compensation and expenses shall be paid in the same manner as those provided them for legislative sessions.

On motion of Mr. Smith (J), the rules were suspended and the resolution, H. J. R. 4, was adopted.

Also:

By Mr. Crowe:

H. R. 5. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That those people appointed by the Speaker of the House to participate in the Workman's Compensation Bargaining be paid normal expenses and compensation for the days which they meet in the bargaining meeting.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. R. 5, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Owen:

S. J. R. 1. BE IT RESOLVED BY THE SENATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two Houses

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adjourn today, they adjourn to meet again on Tuesday, May 27, 1975, said three-week recess period to be without pay.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Crowe, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 1, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Owen:

S. J. R. 2. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the President and Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

BE IT FURTHER RESOLVED That said Committee ascertain from His Excellency if he desires to address a joint session of the Legislature and, if he does desire to address a joint session, to further ascertain the time most suitable to him for such address.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Foshee, Pearson and Mims.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Sandusky, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 2, set out in the above and foregoing Message from the Senate.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Messrs. Whatley, Roberts and Taylor.

RESOLUTION

The following resolution was introduced:

By Messrs. Kinsey, McMillan and Sonnier:

H. J. R. 6. CREATING A SELECT COMMITTEE TO STUDY THE BEST METHOD OF UTILIZING THE NATURAL RESOURCES OF SOUTHWEST ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby established a joint select committee to study the feasibility of:

1. Establishing a ferry service between Fort Morgan and Dauphin Island that would be capable of transporting automobiles across the mouth of Mobile Bay.

2. Constructing a fishing pier at Fort Morgan.

3. Expanding the road between Mobile and Dauphin Island to four lanes.

Such committee shall be composed of three members of the Senate and four members of the House to be appointed by the presiding officer of their respective houses. The members of the committee shall choose among themselves a chairman and a vice-chairman.

The committee shall report its findings, conclusions and recommendations to the Legislature not later than the twenty-eighth day of August, 1975; whereupon the committee shall be dissolved. Each member shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee. The committee is authorized to hire experts as are deemed necessary to accomplish the purpose for which this committee is established. There is hereby appropriated the sum of ten thousand dollars (\$10,000) from funds appropriated to the use of the Legislature for the purpose of paying such experts and paying members of the committee. Such sums shall be paid on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

The resolution, H. J. R. 6, was read and referred to the Standing Committee on Rules.

FIRST READING ON PREFILED BILLS

Bills which had been prefiled and assigned to appropriate standing committees prior to the convening of this Regular Session, pursuant to Joint Rule 10 of the two Houses of the Legislature, were introduced, severally read one time, and formally referred to the same committees, as follows:

By Mr. Gafford:

H. 1. To provide for the salary of the Governor; and to repeal Act No. 565, H. 964, 1957 Regular Session (Acts 1957 v. 2, p. 785), and any other laws or parts of laws in conflict with the provisions of this Act.

Ways and Means.

By Messrs. Barron, Shelton, Sandusky and Carothers:

H. 2. To provide that all retirement income or disability pay received by any retired military personnel shall be exempt from all state, county or city income taxes or like taxes.

Ways and Means.

By Mr. Drake:

H. 3. To amend the title and Sections 1 and 4 of Act No. 1134, S. 519, Regular Session 1969 (Acts 1969, p. 2099), which act provides for certain school lunchroom managers and assistant managers to become members of the Teachers' Retirement System of Alabama and to receive the benefits therefrom, subject to certain conditions, and which appropriates certain funds to carry out the provisions of said act; so as to include all regularly employed workers in school lunchrooms within the provisions of said act, and to provide an additional appropriation for the purposes of carrying out the provisions of this act.

Ways and Means.

By Mr. Waggoner:

H. 4. To make an appropriation of \$80,000 per year for the next two fiscal years, out of any funds in the State Treasury not otherwise appropriated, for use by the State Health Department for Family Planning Services.

Ways and Means.

By Mr. Drake:

H. 5. To amend Section 12 of Act No. 1038, H. B. 1005, Regular Session 1973, approved September 10, 1973, which Act relates to the Uniform Military Code, so as to provide for exemptions to certain qualified military personnel from the payment of the privilege or license fee levied on automobiles in this state.

Ways and Means.

By Mr. McNair:

H. 6. To authorize any county in Alabama having a population of 600,000 or more according to the most recent federal decennial census and any incorporated municipality situated therein to cooperate with other governmental subdivisions, public agencies, public corporations and authorities in the construction of new residential water mains and pipes of an approved public water supply system and the extension of presently existing approved public water supply system mains and pipes to all areas of such county not presently served by an approved public water supply system; to authorize the costs of construction and installation of said mains and pipes, together with the costs of any improvements made thereon, or any portion of said costs, to be assessed against the property abutting on the streets, avenues, alleys, highways, or other public places so improved or served by said mains or pipes to the extent of the increase in value of such property by reason of the special benefits derived from such mains or pipes and from their construction, extension or improvement by the county or incorporated municipality; and, as other means of financing such construction, extension or improvement, to authorize the issuance of revenue bonds and the payment of monies out of general and special funds of such county or municipality and out of funds received from the State of Alabama and from the United States Government; and to provide low cost loans to affected property owners.

Local Legislation No. 2.

By Mr. Reed:

H. 7. To further amend Sections 1 and 4 of Act No. 590, H. 138, Page 827, Volume 2, Acts of Alabama 1957, relating to the provisions of a state scholarship program to promote the education of nurses; and making appropriations therefor.

Ways and Means.

By Mr. Callahan:

H. 8. Relating to automobile license tags; authorizing Hank Aaron to use a special tag number.

State Administration.

By Mr. Gafford:

H. 9. Proposing an amendment to Section 6.20 of Article VI and Section 280 of Article XVII of the Constitution of Alabama 1901, removing constables and justices of the peace from the list of officials privileged to hold two offices of profit at one and the same time under this state.

Constitution and Elections.

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The above bill was read a first time at length as required by the Constitution.

By Mr. Gafford:

H. 10. To provide for paroled convicts to earn good time deductions from penitentiary and hard labor sentences while on parole at the same rate that such good time deductions are earned by prisoners serving sentences in prison.

State Administration.

By Mr. Ford:

H. 11. To amend further Sections 1, 2, and 6 of Act No. 343, H. 71, Regular Session 1957 (Acts 1957, p. 452, now appearing in Code of Alabama, Recompiled 1958, Title 55, Sections 494-505), as amended, entitled "An Act to provide further for the execution of certain public contracts, providing for competitive bidding on certain public contracts for labor, services, or work, or for the purchase of materials, equipment, supplies, or other personal property, made by or on behalf of any state department, board, bureau, commission, committee, institution, corporation, authority, or office and prescribing penalties," so as to increase the minimum involved in a contract before it must be let on a competitive bid.

State Administration.

By Mr. Ford:

H. 12. To amend Sections 1 and 6 of Act No. 217, S. 23, Special Session 1967 (Acts 1967, p. 259, now appearing in Code of Alabama, Recompiled 1958, Title 55, Sections 506 and 511), relating to contracts of certain state and local agencies which must be let by competitive bidding, so as to raise the minimum amount of such contracts.

State Administration.

By Mr. Lee:

H. 13. To provide for and regulate absentee voting in primary, general, special and municipal elections; prescribing penalties for violations of the Act; repealing conflicting laws and specifically repealing Act No. 424, H. 351, Regular Session 1949 (Acts 1949, page 601) and all acts amendatory and supplemental thereto.

Constitution and Elections.

By Mr. Gafford:

H. 14. To amend further Code of Alabama 1940, Title 42, Section 12, as amended, so as to allow a delinquent parolee to receive credit toward fulfillment of the execution of his sentence to imprisonment for the time spent in prison after the date of his arrest as a delinquent parolee.

State Administration.

By Messrs. Glass, Sonnier, Carothers, Malone, LeFlore, Sandusky and Cooper:

H. 15. Relating to appeals from the actions or orders of the Alabama Public Service Commission in certain cases; providing for the time, manner and procedure for taking such appeals and for the effect thereof; providing for the construction of this act; and repealing all laws and parts of laws in direct conflict or inconsistent with the provisions of this act.

State Administration.

By Mr. Gafford:

H. 16. To require the inclusion of a reasonable attorney's fee in any judgment rendered against a defendant in a tort action who is covered by liability insurance.

Judiciary.

By Mr. Gafford:

H. 17. To provide that the fair and reasonable market value of a motor vehicle for ad valorem tax purposes shall not be higher than the mathematical average of the retail price of a motor vehicle of the same make and model in average condition as listed by the National Automobile Dealers Used Car Guide published by the National Automobile Dealers Association and the Official Used Car Market Guide published by National Auto Research Publications, Inc., or the successor of either of these two publications.

Ways and Means.

By Mr. Sasser:

H. 18. To amend Section 29 of Act No. 516, H. B. 769, Regular Session 1949, (Acts 1949, p. 740, now appearing in the Code of Alabama, Recompiled 1958, Title 36, Section 58(29)), which Act regulates further the use of highways by pedestrians and motor vehicles, including motorcycles and motor driven cycles, so as to regulate the clothing to be worn by all operators of motorcycles and motor driven cycles.

Highway Safety.

By Mr. Sasser:

H. 19. To amend further Title 36, Section 40, Code of Alabama, as last amended, so as to require that all motorcycles and motor driven cycles shall exhibit a lighted head lamp at all times when operated on a public road.

Highway Safety.

By Messrs. LeFlore, Jackson (R), Reed, McCulley, McCluskey, Wyatt, Lewis, Plaster, Kennedy, Sandusky, Sonnier, Hill, Shelton, McNair, Malone, Hilliard, Tucker, Harrison and Callahan:

H. 20. To provide for direct voting on candidates for President and Vice President of the United States; making further provisions respecting election and appointment of presidential electors, and repealing conflicting laws.

Constitution and Elections.

By Messrs. Sonnier and Hill:

H. 21. Proposing an amendment to the Constitution of Alabama providing for and regulating the length of annual and special sessions of the Legislature.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mrs. Quarles:

H. 22. To provide that all full-time cooks, maids and janitors employed by city and county boards of education in any public school or public college within this state may become members of the Teachers' Retirement System of Alabama and shall receive benefits provided under the provisions of the Code of Alabama, 1940, Title 52, Chapter 14,

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as amended, to place the duty of collecting the employees' contributions to the Teachers' Retirement System on the county and city board of education or the governing body of any public school employing such cooks, maids and janitors, and also the duty of remitting to the secretary-treasurer of the Teachers' Retirement System of Alabama the employees' contributions; to provide for payment of employer contributions as necessary and providing for prior service for such cooks, maids and janitors out of funds of the Alabama Special Educational Trust Fund, and to make an appropriation to carry out the provisions of this Act.

Ways and Means.

By Mrs. Quarles:

H. 23. To amend the title and Section 1 of Act No. 1000, H. 388, Regular Session 1973 (Acts 1973, p. 1532), relating to ad valorem tax exemptions on homesteads of certain totally disabled persons, so as to provide further for computing such tax exemptions when the home is jointly owned by husband and wife.

Ways and Means.

By Messrs. Naramore, Riddick, McNees, Carter, Martin and Sparks:

H. 24. To provide that all retirement income or disability pay after the first \$3,500 each year received by any retired military personnel shall be exempt from all state, county or city income taxes or like taxes.

Ways and Means.

By Messrs. Naramore, McNees, Carter and Kinsey:

H. 25. To provide for an exemption from all gasoline and other motor fuels excise tax levied within this state to city or county boards of education; to provide for the issuance of certificates of exemption; prescribing the powers, duties, and authority of the commissioner of revenue in the administration and enforcement of this act; and prescribing penalties for the violation of this act.

Ways and Means.

By Messrs. Ford, Dial, Teague and Taylor:

H. 26. To create a retirement system for members of the Alabama National Guard; to prescribe requirements for retirement; to provide for the administering of the benefits; and to make an appropriation from the general funds of the state treasury to carry out this Act.

Ways and Means.

By Messrs. Dial, Ford, Teague, Quarles and Sonnier:

H. 27. To exempt, under certain circumstances, certain members of the Alabama National Guard, from tuition charges of public institutions of higher learning, and otherwise to provide with respect thereto.

Ways and Means.

By Mr. Hines:

H. 28. To indemnify the Commissioner of the Board of Corrections, Deputy Commissioners, members of the Board of Corrections, and other officers, employees and agents of the Board of Corrections, for acts arising out of and performed in connection with their official duties in behalf of the State of Alabama.

Ways and Means.

By Mr. Hines:

H. 29. To create a revolving fund for the purpose of expanding the agricultural and industrial programs of the Board of Corrections and to provide for the maintenance of the fund from the profits of the agricultural and industrial programs and from the oil, gas and mineral rights on property controlled by the Board of Corrections.

Ways and Means.

By Mr. Hines:

H. 30. Relating to the security of testimony of convicts in certain cases; requiring the sheriff of the county in which a writ is issued to secure the appearance of such convicts to be responsible for transporting such convicts and relieving the Commissioner of the Board of Corrections from such responsibility; providing reimbursement for the sheriff, his deputies or agents for the expenses of transporting such convicts at the same rate as other state employees are reimbursed, to be paid out of the state general fund; repealing conflicting laws and specifically repealing and superseding the conflicting provisions of Title 45, Sections 61 and 62 to the extent of such conflict.

Ways and Means.

By Mr. Hines:

H. 31. Relating to employees of the Board of Corrections; providing that the rules and regulations of the State Personnel Department shall not be applicable to the appointment, tenure or compensation of physicians, surgeons, psychiatrists, psychologists, dentists and allied professional supportive personnel.

State Administration.

By Mr. Hines:

H. 32. To provide a subsistence allowance for certain law enforcement officers of the Board of Corrections, and to appropriate the necessary funds for the years ending September 30, 1976 and September 30, 1977.

Ways and Means.

By Mr. Hines:

H. 33. To amend Title 45, Sections 132, and 133, Code of Alabama 1940 as amended; to provide that the State Board of Corrections shall be entitled to reimbursement for actual expenses incurred for the care, custody and safe-keeping of temporarily transferred prisoners.

Ways and Means.

By Mr. Hines:

H. 34. To provide for the temporary release of certain persons convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the Board of Corrections to seek employment and a place of residence in the community where he will reside after release from his sentence.

Judiciary.

By Messrs. Owens, Merrill and Turnham:

H. 35. To provide that in the event Section 366 of Title 52 of the Code of Alabama 1940, as amended, provides, at the time this Act becomes effective, that the formula factor for computing teachers' re-

tirement benefits shall be 2.0125%, then any retired teacher and/or any teacher who retires hereafter, who does not receive a 15% net gain in retirement benefits by operation of the formula increase, shall receive an additional amount which shall be sufficient, when added, to result in a "post-formula increase" net gain in benefits equal to, but not exceeding, 15% of such member's prior benefit entitlements; also to provide for all necessary and proper appropriations.

Ways and Means.

By Messrs. Owens, Merrill and Turnham:

H. 36. To amend further Section 366 of Title 52 of the Code of Alabama 1940, as amended, which relates to the Teachers' Retirement System of Alabama, so as to provide for 2.0125% formula in calculating retirement benefits and to provide for the removal of the 80% of average final compensation restriction on retirement benefits; also provides for a redetermination as of October 1, 1975; also provides for a clarification of the corporate powers of the Retirement Systems of Alabama; and further provides for necessary and proper appropriations.

Ways and Means.

By Messrs. Merrill, Owens and Turnham:

H. 37. In addition to any law or part of any law contained and appearing in Chapter 14 of Title 52 of the Code of Alabama 1940, as amended, which relates to the Teachers' Retirement System of Alabama, to provide for the retirement under the Teachers' Retirement System of any teacher, regardless of age, who is a member of the Teachers' Retirement System, and, who has thirty years of creditable service; also provides for a clarification of the corporate powers of the Retirement Systems of Alabama; and to provide for necessary and proper appropriations.

Ways and Means.

By Messrs. Naramore, Robertson, Burgess, Crawford, Turnham, Riddick, Carter, Folmar, Barron, Callahan, Crowe, Warren, Weeks, Manley, Plaster, Coburn, Merrill, Owens, McNair, Waggoner, McCorquodale, Glass and Smith (C):

H. 38. To provide for the transfer to the Teachers' Retirement System of Alabama of all janitors, maids, cafeteria workers, and any other full time employees in public education covered under Section 12 of Act No. 515 of the 1945 Act, as amended, regardless of in what manner or on what basis paid; To provide for the eligibility and mandatory enrollment in the Teachers' Retirement System of Alabama of all persons hereafter assuming full time employment in public education; to provide for a six month period from the effective date of this Act in which any person in any of the aforementioned classifications who are not now members of the Employees' Retirement System under Section 12 of Act No. 515 of the 1945 Act, as amended, may decline to become a member of the Teachers' Retirement System by filing a written notice. Provide for credit of service prior to effective date of this Act for any persons in a hereinabove named classification who are not members of the Employees' Retirement System; And further to provide for necessary and proper appropriations to carry out the purpose of this Act.

Ways and Means.

By Mr. Naramore:

H. 39. To change the name of the "Director" of the Department of Labor to the "Commissioner" of the Department of Labor.

Business and Labor.

By Mr. Turnham:

H. 40. To further amend Section 364 of Title 52 of the Code of Alabama 1940, as amended, which relates to credit for military service and to provide for necessary and proper appropriations to carry out the provisions of this Act.

Ways and Means.

By Messrs. Ford and Malone:

H. 41. To establish an illness or injury disability insurance program for members of the Alabama National Guard who are released or retired prior to their normal retirement age because of an illness or injury, providing for a pay scale and for the administration of said disability-retirement program.

Ways and Means.

By Mr. Gafford:

H. 42. To allow for the lawful dispensing by any food-service establishment of sugar in containers other than individual, single service packages.

Health.

By Mr. Gafford:

H. 43. To provide for the reopening of the Employees' Retirement System of Alabama to those employees who were in service on October 1, 1974, who declined membership at the time of establishment, and to those who have non-membership service but who later joined the Employees' Retirement System; also reopens said System to employees who were in service on October 1, 1974, who have creditable service for which they are ineligible to gain credit for reasons other than non-membership; also to provide a redetermination of benefits for members retired prior to October 1, 1975; and further to provide for necessary and proper appropriations.

Ways and Means.

By Mr. Gafford:

H. 44. To amend further Section 2, Act No. 100, Second Special Session 1959, the State Sales Tax Act, so as to provide that where any used part of an automotive vehicle or a truck trailer, semitrailer or a house trailer is taken in trade as a credit or part payment on the sale of a new or rebuilt part, the sales tax shall be paid on the net difference, and to provide that this provision shall not be construed to include tires and batteries.

Ways and Means.

By Mr. Crowe:

H. 45. To be known as the "Deceptive Trade Practices Act"; permanently establishing the present consumer protection agency and prescribing its powers, duties and authority; creating a consumer advisory board; defining and regulating deceptive trade practices; providing administrative and judicial remedies and procedures for carrying out the act; providing civil penalties for violations; prescribing the extent of the applicability of the act; and providing an appropriation therefor.

Ways and Means.

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By Messrs. Boles, Naramore, Johnson, Jolly, Moore (O), Trammell and Brindley:

H. 46. To prohibit any incorporated municipality from annexing territory in a county other than the one in which the majority of its corporate territory lies, without the consent of the governing body of the county in which the newly annexed territory lies.

Local Government.

By Mr. Boles:

H. 47. To amend the Title and Sections 1 and 2 of Act No. 2228, S. 134, 1971 Regular Session (Acts of 1971, p. 3585), entitled, "An Act To provide additional alternative procedures whereby incorporated municipalities with populations of two thousand (2000) or more may alter their corporate limits to incorporate into their boundaries certain contiguous unincorporated territory," so as to make the Act apply to all municipalities.

Local Government.

By Mr. McNair (With Notice and Proof):

H. 48. Relating to Jefferson County; to provide that the Jefferson County school system shall remit to the Midfield school system an appropriate amount of local school tax revenues so as to defray the additional financial burden placed upon the Midfield school system by the transfer of certain students pursuant to federal court school desegregation orders; to prescribe the formula and payment procedure for such remittance; to prescribe penalty for delinquent accounts; to provide for retroactive effect to October 1, 1974 and to repeal all conflicting statutes.

Local Legislation No. 2.

Notice and Proof H. 48:

A BILL
TO BE ENTITLED
AN ACT

Relating to Jefferson County; to provide that the Jefferson County school system shall remit to the Midfield school system an appropriate amount of local school tax revenues so as to defray the additional financial burden placed upon the Midfield school system by the transfer of certain students pursuant to federal court school desegregation orders; to prescribe the formula and payment procedure for such remittance; to prescribe penalty for delinquent accounts; to provide for retroactive effect to October 1, 1974 and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this Act, unless the context requires a different meaning: "Average daily membership" means the average of the actual number of students enrolled in a particular school or school system during a specified period of time. "Fiscal year" means the fiscal school year which begins on October 1 and ends on September 30 of the succeeding calendar year. "Local school tax revenues" means the tax revenue earmarked for school purposes which is collected by the state department of revenue, the Jefferson County revenue department, and the Jefferson County tax collector for a designated school system from all local sources of such revenue which are available, to the system. "Scholastic year" means that portion of the school term which begins on or about September 1 and ends on or about May 31.

Section 2. In order to defray the additional financial burden placed upon the Midfield school system by the transfer of certain school children from the Jefferson County school system to the Midfield school system, pursuant to federal court school desegregation orders, the Jefferson County school system shall remit to the Midfield school system an apportionate amount of the local school tax revenues collected for the Jefferson County school system from the school districts within that system. Such remittance shall be made on a monthly basis within ten (10) days after receipt of such revenue from the state department of revenue, the Jefferson County department of revenue and the Jefferson County tax collector. The formula for computing the amount of such remittance is as follows:

(1) On the last school day in September of each scholastic year, the figure which represents the average daily membership during September for the Jefferson County school system shall be added to the figure which represents the average daily membership during September for those students transferred from the Jefferson County school system to the Midfield school system pursuant to federal court orders.

(2) The sum total of the figures in (1), supra, shall be divided into the total amount of local school tax revenue collected monthly for the Jefferson County school system from all localities and school districts within that system so as to determine the average monthly local revenue per pupil.

(3) The figure in (2), supra, which represents the average monthly local revenue per pupil shall then be multiplied by the figure in (1), supra, representing the average daily membership for October of those students who were transferred from the Jefferson County school system to the Midfield school system pursuant to federal court orders so as to produce the amount which shall be remitted monthly by the Jefferson County school system to the Midfield school system until such time as the formula is adjusted.

(4) On the last school day of the scholastic year, the October average daily membership figure for each category of students in (1), supra, shall be adjusted so as to be the same as the annual average daily membership figure for each category of students and these adjusted figures shall then be applied to the aforementioned formula so as to compute the amount to be remitted during the months of June, July, August and September of each year.

(5) At the end of each fiscal year, the average daily membership figure for the preceding scholastic year for the Jefferson County school system and the average daily membership figure for the preceding scholastic year for those students transferred from the Jefferson County school system to the Midfield school system pursuant to federal court orders, shall be applied to the aforementioned formula so as to determine the average monthly local revenue per pupil.

(6) The average monthly local revenue per pupil as determined in (5), supra, shall be multiplied by the average daily membership figure for the preceding scholastic year of those students transferred from the Jefferson County school system to the Midfield school system pursuant to federal court orders so as to produce the average monthly remittance amount.

(7) The average monthly remittance amount in (6), supra, shall then be multiplied by twelve (12) so as to produce an adjusted total annual remittance figure.

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(8) If the adjusted total annual remittance figure in (7), supra, is less than or exceeds the sum total of the amounts of all the monthly remittances actually made during the fiscal year, then, the exact amount of the debit or credit shall be remitted or refunded to the appropriate school system no later than the last day of the first month of the fiscal year.

Section 3. Failure to remit or refund any money in accordance with the provisions of this act shall result in the delinquent party being subject to a fine in the amount of one thousand dollars per day for each day that the balancing figure is outstanding or past due.

Section 4. The operation of this act shall be retroactive to October 1, 1974, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF JEFFERSON

Before me, the undersigned authority in and for said County in said State, this day personally appeared John M. McElroy, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Bessemer Advertiser, a newspaper of general circulation published in Jefferson County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 21, 28, April 4, and 11th, all in the year 1975.

JOHN M. McELROY.

Sworn to and subscribed before me 11th day of April, 1975.

JOHN E. SMITH,
Notary Public.

By Mr. Crowe:

H. 49. To provide a uniform procedure for the adoption of rules by state administrative agencies, and for the review of state agency rules and determinations.

State Administration.

By Mr. Gafford:

H. 50. To amend Section 13, Title 32, Code of Alabama 1940, as amended, relating to pay of legislative interim committee members, so as to allow such members to receive the regular legislative per diem plus mileage and actual expenses when on committee business in a location other than the district from which the member is elected, and other than the seat of the state government.

Ways and Means.

By Messrs. Gafford, Biddle, Jolly, Armstrong, White, Boles, Waggoner, Hopping, Porter, Falkenburg, Moore (O), Andrews, Trammell, McNair, Howard, Hall, Tucker and Hilliard:

H. 51. To Amend Sections 10 and 11 of Article VI of Act No. 1272 of the 1973 Regular Session of the Legislature of Alabama, approved September 18, 1973 (which amended in entirety Act No. 929 of the 1951 Regular Session of the Legislature, page 1579, et seq., as amended) which Act No. 1272 provides for a general pension system for salaried employees in each city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census, and for employees of the county board of health, civil defense agency and civic center, so as to provide in Sections 10 and 11 survivor benefits for the widows and children of retirees and employees.

Local Legislation No. 2.

By Messrs. Boles, Lewis, Williams, McCulley, Robertson, Johnstone, Trammell, Malone and Howard:

H. 52. To provide further for unemployment benefits; to authorize and require payment of unemployment benefits to an employee of any business which ceases or curtails operations because of pollution.

Ways and Means.

By Mr. Smith (B):

H. 53. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to local government and home rule; amending and superseding specifically Sections 38, 39, 40, 41, 89, 220 and 228 and Amendments No. 81, 132, 140, 142, 144 and 184 of the Constitution of Alabama of 1901, as amended; and repealing and superseding all other conflicting provisions of said constitution and amendments thereto, providing for a two year delay in the effective date of the proposed amendment.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Greer, Carothers, Robertson, Wyatt, Morris, Coburn, Sasser, Whatley, Shelton, Manley, Smith (C), Sonnier, Plaster, Crowe, Holley, Sandusky, Johnson, Clark, White, Gafford, Martin, Kelley, Starkey, Gregg, Taylor, Campbell, Baker, Weeks, Porter, Hall, Boles, Biddle, Armstrong, Jolly, Hilliard, Trammell, Andrews, McNeese, Cross, Hill, Ford, Rich, Quarles, Folmar, Williams, Teague, Dial, Owens, Drake, Sparks, Malone, Lewis, Kinsey, Hines, Callahan, Reed (T), Kennedy, Warren, Glass, Cooper, LeFlore, Turnham, Riddick, Moore (O), and Harris:

H. 54. To provide salary increases for certain state employees; and to appropriate funds therefor.

Ways and Means.

By Messrs. Coburn, Starkey, Naramore and Williams:

H. 55. To provide that boards of control of local school systems, institutions and agencies make available payroll deduction of dues for

the local affiliate of any statewide educators' organization if their employees request this service.

Education.

By Messrs. Coburn, Carter, Teague and Greer:

H. 56. To abolish the Alabama dairy commission, the office of executive secretary of the Alabama dairy commission, and the dairy commission fund; to repeal Sections 205 - 231 of Title 22, Code of Alabama 1940, all laws amendatory thereto or supplemental thereto, and all rules and regulations of the Alabama dairy commission; and to provide for transfers of funds and property.

Agriculture.

By Messrs. Martin, Roberts, Cross and Drake (With Notice and Proof):

H. 57. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Trinity.

Local Legislation No. 1.

Notice and Proof H. 57:

STATE OF ALABAMA
COUNTY OF MORGAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Trinity.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Trinity in Morgan County are hereby altered, rearranged and extended so as to include within the corporate limits of the town, in addition to the area now embraced within the corporate limits of the town, the following described property:

Tract I: A tract of land containing 54.482 acres more or less, lying in the SE¼ of Section 17, Township 5 South, Range 5 West, Morgan County, Alabama, being more particularly described as follows:

Beginning at a concrete monument at the SE corner of Section 17, Township 5 South, Range 5 West, and thence running North 3 degrees 15 minutes West along the east boundary of said Section 17 a distance of 815 feet; thence North 70 degrees 49 minutes West 378 feet; thence North 84 degrees 05 minutes 30 seconds West 61 feet; thence North 68 degrees 24 minutes West 230 feet; thence South 79 degrees 42 minutes West 90 feet; thence North 68 degrees 12 minutes West 230 feet; thence North 13 degrees 27 minutes West 118 feet; thence North 79 degrees 45 minutes West 200 feet; thence North 31 degrees 15 minutes West 80 feet; thence South 83 degrees 45 minutes West 135 feet; thence South 77 degrees 45 minutes West 335 feet; thence South 50 degrees 45 minutes West 530 feet; thence South 3 degrees 15 minutes East parallel with the east boundary of said Section 17, a distance of 1020 feet to a point on the south boundary of said Section 17; thence running North 86 degrees 35 minutes 42 seconds East along said south boundary of Section 17 a distance of 2,063.41 feet to the point of beginning.

Tract II: A tract of land containing 70.518 acres, more or less, lying in the SE $\frac{1}{4}$ of Section 17, Township 5 South, Range 5 West, Morgan County, Alabama, being more particularly described as follows:

Beginning at a concrete monument at the SE corner of Section 17, Township 5 South, Range 5 West, and thence running North 3 degrees 15 minutes West along the east boundary of said Section 17 a distance of 815 feet to the true point of beginning; thence continue running North 3 degrees 15 minutes West along said east boundary of the Section a distance of 1,828.46 feet to the NE corner of the SE $\frac{1}{4}$ of said Section 17; thence running South 86 degrees 20 minutes 20 seconds West along the North boundary of said SE $\frac{1}{4}$ a distance of 2,063.46 feet; thence running South 3 degrees 15 minutes East parallel with the east boundary of said Section 17 a distance of 1,614.24 feet; thence North 50 degrees 45 minutes East 530 feet; thence North 77 degrees 45 minutes East 335 feet; thence North 83 degrees 45 minutes East 135 feet; thence South 31 degrees 15 minutes East 80 feet; thence South 79 degrees 45 minutes East 200 feet; thence South 13 degrees 27 minutes East 118 feet; thence South 68 degrees 12 minutes East 230 feet; thence North 79 degrees 42 minutes East 90 feet; thence South 68 degrees 24 minutes East 230 feet; thence South 84 degrees 05 minutes 30 seconds East 61 feet; thence South 70 degrees 49 minutes East 378 feet to the true point of beginning.

Tract III: A tract of land containing 82 acres, more or less, lying in the S $\frac{1}{2}$ of Section 17, Township 5 South, Range 5 West, Morgan County, Alabama, described as follows:

Beginning at the SE corner of Section 17, Township 5 South, Range 5 West, and thence running South 86 degrees 35 minutes 42 seconds West along the south boundary of said Section 17 a distance of 2,063.41 feet to the true point of beginning; thence continue South 86 degrees 25 minutes 42 seconds West along said south boundary of Section 17 a distance of 1,907.69 feet to the SW corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17; thence continue along said south boundary of Section 17 a distance of 160 feet; more or less to a point on the centerline of the Trinity-Branch; thence following said centerline of Branch as it meanders North 30 degrees East 130 feet, more or less; North 10 degrees West 610 feet, more or less; North 40 degrees 710 feet, more or less; to a point on the north boundary of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 17; thence running North 86 degrees 28 minutes 01 seconds East along said north boundary of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ a distance of 525 feet, more or less, to the NE corner of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$; thence continue North 86 degrees 28 minutes 01 seconds East along the north boundary of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ a distance of 1,324.14 feet to the NE corner of said SE $\frac{1}{4}$ of SW $\frac{1}{4}$; thence running North 3 degrees 117 minutes 15 seconds West along the east boundary of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17 a distance of 1,315.81 feet to the NE corner of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$; thence running North 86 degrees 20 minutes 20 seconds East along the north boundary of the SE $\frac{1}{4}$ of said Section 17 a distance of 585.72 feet; thence running South 3 degrees 15 minutes East parallel with the east boundary of said Section 17 a distance of 2,634.24 feet to the true point of beginning.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me

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first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 9, April 16, April 23, and April 30, all in the year 1975.

B. C. SHELTON.

Sworn to and subscribed before me April 30, 1975.

LUCY L. FERGUSON,
Notary Public.

By Messrs. Martin, Roberts, Cross and Drake (With Notice and Proof):

H. 58. To amend Section 15 of Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), creating the Municipal Utilities Board of Decatur so as to raise the amount of expenditure for any new construction, additions, or replacements to the electric plant requiring approval by the City Council of the City of Decatur.

Local Legislation No. 1.

Notice and Proof H. 58:

STATE OF ALABAMA
COUNTY OF MORGAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 15 of Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), creating the Municipal Utilities Board of Decatur so as to raise the amount of expenditure for any new construction, additions, or replacements to the electric plant requiring approval by the City Council of the City of Decatur.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 15 of Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), creating the Municipal Utilities Board of Decatur is hereby amended to read as follows:

"Section 15. EXPENDITURES FOR CONSTRUCTIONS OR ADDITIONS—No expenditures for any new construction, additions, or replacement to any public utility, or the equipment used by the same, shall be made by the Board where the total expense will be more than \$25,000.00 without the consent and approval of the City Council of the City of Decatur, Alabama."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me

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first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 9, April 16, April 23, and April 30, all in the year 1975.

B. C. SHELTON.

Sworn to and subscribed before me April 30, 1975.

LUCY L. FERGUSON,
Notary Public.

By Messrs. Weeks, Turnham, Johnson, Boles, Sasser, Brindley, Starkey and McNees:

H. 59. To amend Section 333, Title 52, Code of Alabama, which provides for the charging of an application fee for teachers' certificates and earmarks the use of said fees; and further provides for the repeal of Section 350 of the same title which provides for the disposition of fees paid by the applicants for teachers' certificates.

Ways and Means.

By Mr. Jolly:

H. 60. Relating to counties having populations of 600,000 or more according to the most recent federal decennial census; to regulate further the taking of fish from public streams and impounded waters in such counties; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this act.

Local Legislation No. 2.

By Messrs. Hill, Lutz, McNair, Teague, LeFlore, Dial, Harris, Holmes, Johnstone, Killian, Clark, Kennedy, Malone and Harrison:

H. 61. To revise existing bail practices in the courts of Alabama to assure that all persons, regardless of their financial or social status, shall not needlessly be detained pending their appearance to answer charges, to testify, or pending appeal, when detention serves neither the ends of justice nor the public interest, to be known as "The Alabama Bail Reform Act of 1975," prescribing means in addition to the giving of bail bonds by which a person charged with an offense may give security for appearance in order to secure his release and amending certain sections of the Code of Alabama 1940 to conform with such revision.

Judiciary.

By Messrs. Hill, Kinsey, Teague and Dial:

H. 62. To amend Code of Alabama 1940, Title 15, Section 100 and 104 which provides for the issuance and execution of search warrants by a local magistrate, based on probable cause, so as to provide for the issuance to and the execution of such search warrants by any state peace officer, any city police officer as well as the sheriff or constable.

Judiciary.

By Messrs. Hill, Teague and Dial:

H. 63. To amend Section 1 of Act No. 515, HB 93, approved July 9, 1945 (General Acts 1945, p. 734) as amended (Title 55, Section 456,

Code of Alabama 1940, Recompiled 1958, and as amended), which relates to the Employees' Retirement System of Alabama; so as to provide that the "average final compensation" used to calculate a member's retirement benefit will be based upon the three (3) years, rather than the five (5), of the final ten (10) years of membership service in which earnable compensation is highest. To also provide for the redetermination of all retirement allowance payments due on or after October 1, 1975, to members who retire prior to said date. Also to provide for necessary and proper appropriations to carry out the provisions of this Act.

Ways and Means.

By Messrs. McNees and Merrill:

H. 64. To amend Section 1 of Act No. 359, H. 150, Regular Session 1951 (Acts 1951, p. 646); to provide for the issuance of special license tags to owners of private or pleasure motor vehicles who hold citizen's band radio licenses issued by the Federal Communications Commission.

Ways and Means.

By Mr. Kinsey:

H. 65. Relating to operation of municipal jails in this State; granting a course of action to persons injured or damaged as the result of the failure to comply with the provisions of this Act.

Local Government.

By Mr. Kinsey:

H. 66. To require the granting, under certain circumstances, of either overtime pay or compensatory leave to law enforcement officers in the service of the state.

Ways and Means.

By Mr. Kinsey:

H. 67. To amend Title 52, Section 322, to provide for certification of nurses to serve in the position of professional school nurses and to provide that prior to the issuance of such certificate the applicant shall have met all requirements prescribed by the State Board of Nursing for license as a Registered Nurse.

Education.

By Mr. Kinsey:

H. 68. To further amend Section 9 of Act No. 833, S. 128, Regular Session 1965 (Acts 1965, p. 1564), as amended, which provides for payment of insurance costs by the state for employees of the state, so as to require the state to assume the full costs of insuring an individual state employee and the individual employee's spouse and dependent children, as defined by the rules and regulations of the State Insurance Board.

Ways and Means.

By Mr. Kinsey:

H. 69. To amend Section 149 of Act 407, Acts of Alabama 1971 codified into Section 149, Title 28A, Code of Alabama 1940 (recompiled 1958) by reducing the time required to be run before action can be taken against violators violating the provisions of the Insurance Code pertaining to property and casualty agents.

Insurance.

By Mr. Kinsey:

H. 70. To provide for the enforcement of rules and regulations promulgated by the Commissioner of Insurance, as provided for in Section 28 of Act 407, Acts of Alabama, 1971, codified into Section 28, Title 28A, Code of Alabama 1940 (recompiled 1958).

Insurance.

By Messrs. Roberts, Sasser, Martin, Naramore, Falkenburg, Cross and Smith (B):

H. 71. Further amending Code of Alabama 1940, Title 22, Section 21 and 22 relating to Vital Statistics redefining registration districts and provide for local and deputy registrars.

Health.

By Mr. Cross (With Notice and Proof):

H. 72. Relating to Lawrence County, abolishing the fine and forfeiture fund of Lawrence County and providing that all monies now in the fine and forfeiture fund or hereafter collected for such fund shall be paid into the general fund of such county and that all claims due or to become due from the fine and forfeiture fund shall be paid from the general fund of the county; providing that witness certificates obtained as a state's witness before the grand jury or the circuit court, county court or other inferior court in which a criminal prosecution is pending shall be paid from the general fund on presentation; providing that all monies now held or hereafter collected as witness fees for state's witnesses in the circuit court, county court or other inferior court shall be paid on collection into the general fund of the county.

Local Legislation No. 1.

Notice and Proof H. 72:

STATE OF ALABAMA
COUNTY OF LAWRENCE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Lawrence County, abolishing the fine and forfeiture fund of Lawrence County and providing that all monies now in the fine and forfeiture fund or hereafter collected for such fund shall be paid into the general fund of such county and that all claims due or to become due from the fine and forfeiture fund shall be paid from the general fund of the county; providing that witness certificates obtained as a state's witness before the grand jury or the circuit court, county court or other inferior court in which a criminal prosecution is pending shall be paid from the general fund on presentation; providing that all monies now held or hereafter collected as witness fees for state's witnesses in the circuit court, county court or other inferior court shall be paid on collection into the general fund of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. All revenues accruing to the fine and forfeiture fund of such county, as prescribed by law, shall hereafter be paid into the general fund of the county and the fine and forfeiture fund of such

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county is hereby abolished. All monies held in the fine and forfeiture fund as of the effective date of this act, or any other monies held as unclaimed witness fees for witnesses appearing before the grand jury of the county or as state's witnesses in criminal cases in the circuit court, county court or other inferior court, shall be paid by the custodian of such fund into the general fund of the county.

Section 2. All claims now registered against or payable out of the fine and forfeiture fund, as prescribed by law, or which may hereafter become due and payable out of such fund, shall be payable from the general fund of the county.

Section 3. After the passage and approval of this act any person subpoenaed as witness before the grand jury of the county in a criminal case who procures a certificate of attendance as such witness from the foreman of the grand jury shall receive payment on such certificate immediately upon the presentation of same to the custodian of the funds of the county, such payment to be made from the general fund of the county.

Section 4. Any person appearing as a state's witness in a criminal case in the circuit court, county court or other inferior court who procures a certificate of attendance as much witness from the clerk of the court shall receive payment on such certificate immediately upon the presentation of same to the custodian of the funds of the county, such payment to be made from the general fund of the county.

Section 5. Costs and fees in all criminal cases shall continue to be taxed as now provided by law, provided, however, that any fees hereafter collected for state's witnesses in the circuit court, county court or other inferior court shall be paid by the officer collecting same into the general fund of the county and it shall be the duty of the clerk, or other officer, of any of the courts here concerned, upon the passage and approval of this act, to pay over any money held by such officer for the payment of fees of witnesses before the grand jury of state's witnesses in criminal cases in any of the courts here concerned, to the general fund of the county.

Section 6. All laws or parts of laws, local, special, or general, in conflict with the provisions hereof are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAWRENCE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Arthur F. Slaton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Moulton Advertiser, a newspaper of general circulation published in Lawrence County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 10, April 17, April 24, and May 1, all in the year 1975.

ARTHUR F. SLATON.

Sworn to and subscribed before me May 2, 1975.

LUTHER A. SLATON,
Notary Public.

By Mr. Cross (With Notice and Proof):

H. 73. Relating to Lawrence County; providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations.

Ways and Means.

Notice and Proof H. 73:

STATE OF ALABAMA
COUNTY OF LAWRENCE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Lawrence County; providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations.

Be It Enacted by the Legislature of Alabama:

Section 1. One-half of all fines and forfeitures hereafter paid by persons convicted in courts of competent jurisdiction in Lawrence County of violations of the rules of the road, or laws of this state relating to or regulating traffic or operation of motor vehicles upon the highways of this state, shall be paid into the general funds of such county, and the remainder shall be remitted by the proper authority to the State Treasurer, who shall credit the same to the proper fund in the State Treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAWRENCE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Arthur F. Slaton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Moulton Advertiser, a newspaper of general circulation published in Lawrence County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 10, April 17, April 24, and May 1, all in the year 1975.

ARTHUR F. SLATON.

Sworn to and subscribed before me May 2, 1975.

LUTHER A. SLATON,
Notary Public.

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By Mr. Cross (With Notice and Proof):

H. 74. Relating to Lawrence County; to provide an additional expense allowance for the coroner.

Local Legislation No. 1.

Notice and Proof H. 74:

STATE OF ALABAMA
COUNTY OF LAWRENCE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Lawrence County; to provide an additional expense allowance for the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. The county coroner of Lawrence County shall be paid an additional expense allowance out of the county general fund in the amount of \$75.00 per month which shall be in addition to any and all other salary, compensation and expense allowances provided by law.

Section 2. The provisions of this Act shall be effective on the first day of the month next succeeding the effective day of this Act.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAWRENCE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Arthur F. Slaton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Moulton Advertiser, a newspaper of general circulation published in Lawrence County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 10, April 17, April 24, and May 1, all in the year 1975.

ARTHUR F. SLATON.

Sworn to and subscribed before me May 2, 1975.

LUTHER A. SLATON,
Notary Public.

By Mr. Cross (With Notice and Proof):

H. 75. To amend further Section 1 of Act No. 62, H. 325, Regular Session 1959, as last amended, regulating the meetings of the county board of education of Lawrence County, so as to provide further for the compensation and allowances of the board members.

Local Legislation No. 1.

Notice and Proof H. 75:

STATE OF ALABAMA
COUNTY OF LAWRENCE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend further Section 1 of Act No. 62, H. 325, Regular Session 1959, as last amended, regulating the meetings of the county board of education of Lawrence County, so as to provide further for the compensation and allowances of the board members.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 62, H. 325, Regular Session 1959, as last amended, is further amended to read as follows:

"Section 1. The county board of education of Lawrence County shall hold at least twenty-four (24) regular weekly meetings during each year, at such times and places as the board may prescribe. The board may also hold special meetings on the call of the chairman or any two members of the board. The members of the county board of education of Lawrence County shall receive from the public school funds of the county one hundred twenty-five dollars (\$125.00) per month and traveling expenses incurred in attending meetings of the board and transacting the business of the board. Also the members of the board shall receive \$30.00 per day and their actual traveling and hotel expenses incurred in transacting business and attending meetings outside of Lawrence County. Their expenses and salary shall be paid in like manner as provided for the compensation of teachers."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAWRENCE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Arthur F. Slaton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Moulton Advertiser, a newspaper of general circulation published in Lawrence County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 10, April 17, April 24, and May 1, all in the year 1975.

ARTHUR F. SLATON.

Sworn to and subscribed before me May 2, 1975.

LUTHER A. SLATON,
Notary Public.

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By Messrs. Shelton, Merrill, Burgess, Quarles, Crowe, Morris, Hines, Callahan and Manley:

H. 76. Relating to taxation, to provide for an exemption from ad valorem taxation on personal property in transit through this state, or in storage in a public or private warehouse or other storage facility for shipment to a destination outside this state, to declare the policy of this state to encourage the development of this state as a distribution center; to provide for certain warehouse or storage facility records with regard to such property; and to repeal inconsistent laws.

Ways and Means.

By Messrs. Shelton, Crowe, Hines, Morris, Callahan and Edwards:

H. 77. To amend Section 30, Title 55, Code of Alabama 1940, which sets forth the duties and powers of the State Fire Marshal by granting to the Fire Marshal, and his deputies, full powers of peace officers.

Judiciary.

By Messrs. Shelton, Crowe, Callahan and Edwards:

H. 78. To amend Section 9 of Act No. 1938, Acts of Alabama 1971, relating to disbursement of funds appropriated to the State Fire Marshal for inspection of Mobile Homes.

Ways and Means.

By Messrs. Sasser and McCluskey:

H. 79. To amend Title 55, Section 488 (2), Code of Alabama 1940, so as to allow out-of-state travel for employees of institutions under control of the state board of education and employees of local boards of education without prior authorization by the governor, provided such travel shall have been authorized by the president of the institution or the local superintendent of education involved.

Ways and Means.

By Mr. Sasser:

H. 80. To provide facilities for displaying certain aviation and other exhibits in cooperation with the Department of the Army; creating the Alabama Aviation Exhibit Commission as an agency of the State of Alabama and providing for its membership, terms, authority and duties; authorizing the issuance of revenue bonds and general obligation bonds, subject to the approval of the Governor, and providing for the retirement of such bonds; authorizing the allocation and expenditure of funds; and providing exemptions from all taxes.

Ways and Means.

By Mr. Sasser:

H. 81. To propose an amendment to the Constitution of Alabama authorizing the issuance of general obligation bonds of the State of Alabama in principal amount not exceeding (\$2,000,000.00) for the purpose of providing and equipping permanent housing facilities for displaying certain exhibits in cooperation with the Department of the Army.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Mr. Folmar:

H. 82. To name the new music building at Troy State in honor of Dr. John M. Long.

State Administration.

By Messrs. Smith (B), Riddick, Gregg and Carter:

H. 83. To create the Law Enforcement Division of the Department of Conservation and Natural Resources; to prescribe its powers and duties and the funding thereof.

Conservation.

By Messrs. Smith (B), Riddick, Roberts, White, Carothers, Johnson and Falkenburg:

H. 84. To require the directors of all laboratories in this state to report all positive tests for tuberculosis to the State Board of Health, and prescribing penalties for violations.

Health.

By Messrs. Smith (B), Riddick, Roberts, White, Carothers, Johnson and Falkenburg:

H. 85. To require the directors of all laboratories in this state to report all reactive or positive tests for venereal disease to the State Board of Health, and prescribing penalties for violations.

Health.

By Mr. Pegues:

H. 86. To validate in certain cases elections heretofore held in municipalities or counties on the question of the issuance of bonds.

Local Government.

By Mr. Pegues:

H. 87. To authorize and empower Recorders of municipalities of less than 300,000, according to the last or any subsequent federal census, to suspend sentences and grant probation to persons convicted of violating municipal ordinances; to authorize investigations; to authorize imposition of terms and conditions or probation; to authorize revocation of probation and re-arrest of defendants; to provide for the discharge of persons complying with the terms and conditions of probation; to require Recorders to file monthly reports with the governing body; and to preserve the pardon and parole power of the mayor.

Local Government.

By Mr. Pegues:

H. 88. To amend Sections 1, 6 & 9 of Act No. 217, Senate 23, page 259, Volume 1, Acts of Alabama 1967, enacted at the 1967 Special Session of the Legislature of Alabama, as amended, relating to competitive bidding and the expenditure of public funds; to authorize cooperative purchasing among local purchasing agencies.

State Administration.

By Mr. Pegues:

H. 89. To amend Sections 1 and 5 of Act No. 21, H. 28, as amended, enacted at the 1969 Special Session of the Legislature of Alabama, relating to raising revenue and levying a privilege or license tax against certain persons and utilities on account of the furnishing of certain

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utility services and prescribing rates and exclusions therefrom, providing for the issuance of a utility license and providing for collecting such tax and enforcing payment thereof, and providing for the disposition of the proceeds from such tax; deleting the words "other than by a municipality or other municipal entity organized by a municipality" from the definition of "Utility Services" in Section 1, and by adding a new Section (h) to Section 5.

Ways and Means.

By Mrs. Quarles:

H. 90. Relating to counties having populations of not less than 27,900 nor more than 33,500; to provide an additional per diem and mileage expense allowance for jurors in such counties.

Local Legislation No. 1.

By Mrs. Quarles:

H. 91. Making a supplemental appropriation to the Secretary of State.

Ways and Means.

By Mr. Morris:

H. 92. To provide for equalization of the maximum rate of interest permitted to be charged by State Banks with the maximum rate permitted by Federal law to any competing national bank.

Banking.

By Messrs. Carothers and Crawford (With Notice and Proof):

H. 93. To amend the City of Dothan Pension and Retirement System, established by Act No. 103, Regular Session of the Alabama Legislature, approved June 18, 1953, and amended by Act No. 424, Regular Session of the Legislature, approved August 7, 1961; Act No. 509, Regular Session, approved August 20, 1965; Act No. 601, Regular Session, approved September 8, 1967; Act No. 59, Regular Session 1971, approved July 12, 1971.

Local Legislation No. 1.

Notice and Proof H. 93:

Notice is hereby given that the following local bill will be introduced at the next regular session of the Legislature of the State of Alabama.

A BILL
TO BE ENTITLED
AN ACT

To amend the City of Dothan Pension and Retirement System, established by Act No. 103, Regular Session of the Alabama Legislature, approved June 18, 1953, and amended by Act No. 424, Regular Session of the Legislature, approved August 7, 1961; Act No. 509, Regular Session, approved August 20, 1965; Act No. 601, Regular Session, approved September 8, 1967; Act No. 59, Regular Session 1971, approved July 12, 1971.

Be It Enacted by the Legislature of Alabama:

Act No. 103, H. 363, approved June 18, 1953 (Acts of Alabama 1953, pages 145-154) as subsequently amended, which provides for the establishment of a City of Dothan Pension and Retirement System, is hereby amended to read as follows:

SECTION 1. There is hereby established for the City of Dothan, hereinafter called the "City," a Pension and Retirement System, hereinafter called the "System," which shall exist and be maintained for the benefit of the persons hereinafter named, the funds for which shall be derived and raised in the manner hereinafter provided.

SECTION 2. MEMBERSHIP. The membership of the System shall be composed as follows:

(1) All persons who are employees and retired employees of the City of Dothan, on the date of the enactment of this Act.

(2) All persons who become employees after the date of the enactment of this law their becoming members to be a condition of their employment. Elected Officials, City Attorneys, the City Recorder, independent contractors, and temporary employees employed for less than ninety (90) days shall not be eligible for membership.

(3) Employees drafted or entering directly into the Armed Forces of the United States during a national emergency, provided such employee does not withdraw his contributions as provided in Section 4 (1), and provided such employee returns to the service of the City within one (1) year after having been honorably discharged from the Armed Forces, such employee avails himself of the first opportunity for discharge or release from the service following the cessation of hostilities, which return to the service of the City during this period of one (1) year after such honorable discharge or release shall entitle such employee to credit for continuous service toward the attainment of conditions required for retirement or benefits.

SECTION 3. PENSION BOARD.

(1) There is hereby created a Pension Board who shall act as Trustees, and in whom is vested the general administration and management of the System, and the making effective the provisions of this Act. The members of the Pension Board, all of whom shall serve without compensation, shall consist of the Mayor and-or President of the Board of Commissioners of the City, Chairman of the City Board of Education, the City Attorney, the Treasurer of the City of Dothan, who shall be the "Treasurer of the System" and be bonded as required by the Pension Board, and an Employee-Department Head to be chosen by other Employee-Department Heads.

(2) The Mayor shall act at all times as Chairman of the Pension Board, and in his absence, the majority of the Board shall elect a Chairman to act in his stead. A majority of the Board shall constitute a quorum for the transaction of business, and any action taken shall be approved in writing by not less than three (3) of its members. The Pension Board shall hold such meetings as are necessary to transact its business, and in any event not less than one (1) meeting each three (3) months. The City Clerk shall act as Secretary of the Pension Board and shall give sufficient notice to its members of all meetings called by its chairman and shall keep a written minute record of all meetings, and shall attest all official written documents of the board, which shall be written into the official document records of the City Clerk's Office. All necessary accounting records shall be kept under the supervision of and in the office of the Clerk-Treasurer of the City, and employee personnel records shall be kept by the Personnel Department and the necessary clerical expense and supplies for keeping required records shall be deemed as an authorized expenditure from the general funds of the City. Payments from funds shall be made by check drawn by the Clerk-Treasurer and countersigned by the Chairman, after having been authorized and directed by the Board as shown in the minutes.

(3) OATH OF OFFICE OF THE PENSION BOARD MEMBERS. All members of the Pension Board, as trustees for the System, within ten (10) days after his appointment or election, shall take an Oath of Office that he will diligently and honestly administer the affairs of the Pension Board and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the System. Such oath shall be subscribed to by the members making same, certified by the official before whom it is taken, and immediately filed in the Office of Probate Judge of Houston County.

SECTION 4. THE METHOD OF FINANCING AND COMPOSITION OF FUNDS. All of the assets of the System shall be accounted for according to the purpose for which they are held among three (3) funds, namely, the Annuity Fund, the Pension Accumulation Fund and the Retirement Fund.

(1) The Annuity Fund shall be a fund in which shall be accumulated contributions from the compensation of members. Contributions to and payments from the Annuity Fund shall be made as follows:

(a) Six and one half per cent ($6\frac{1}{2}$) to be deducted from each member's pay on each and every payroll. Each member, as a condition of his or her employment, shall be deemed to consent and agree to the deduction provided for herein and the payment of such salary or compensation less such deductions shall be a complete and full discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefit provided under this Act. The deductions herein provided for shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Each amount so deducted shall be paid into the Annuity Fund and shall be credited to the individual account of the member from whose compensation and deduction was made.

(b) Membership in the System is canceled upon termination of employment, and upon such termination the amount of the deduction made from such employee's compensation shall be refunded out of the Annuity Fund on the following basis and conditions:

Members employed five years and less, all annuity payroll deductions, less ten per cent (10) of such deductions, which shall be deemed as payment to the System to cover the cost of protection afforded therein during the term of membership.

Members employed over five (5) years and less than ten (10) years, all annuity payroll deductions, less five per cent (5) of such deductions, which shall be deemed as payment to the System to cover the cost of protection afforded therein during the term of membership.

Members employed ten (10) years and over, all annuity payroll deductions, less two and one-half per cent ($2\frac{1}{2}$) of such deductions, which shall be deemed as payment to the System to cover the cost of protection afforded therein during the term of membership.

Upon termination by death, all annuity payroll deductions shall be returned to the properly designated beneficiary of the member without any charge or deduction being made for protection as mentioned above.

(c) Upon the termination of employment and membership in the System, the amount deducted from the refund to such employee as provided in Sub-Section (b) above, shall be transferred into the Retirement Fund hereinafter provided for.

(d) Upon the retirement of any employee-member of the System, the amount of the annuity funds accumulated or deposited to the credit of such retired employee, shall be transferred and credited to the individual account of the retired member in the Retirement Fund. All payments to such retired employee shall be charged to his individual account, so as to indicate from time to time the total amounts paid to such employee as benefits under the system.

(2) **PENSION ACCUMULATION FUND.** The Pension Accumulation Fund shall be a fund into which the City of Dothan shall deposit each month a sum equal to the payroll annuity deductions from employee-members' salaries.

(a) Upon the termination of employment and membership in the System, the amounts deposited into the Pension Accumulation Fund to the credit of such employee terminating employment and membership shall be transferred from the Pension Accumulation Fund into the Retirement Fund to be used for the payment of retirement benefits hereinafter provided for.

(b) Upon the retirement of any member as hereinafter provided for, the amounts deposited into the Pension Accumulation Fund to the credit of such retiring employee shall be transferred from the Pension Accumulation Fund into the Retirement Fund and credited to the individual account of the retired employee-member as provided in Section 4 (1) (d) above, who shall receive benefits from the Retirement Funds as hereinafter provided. All payments to such retired employee shall be charged to his individual account, so as to indicate from time to time the total amounts paid to such employee as benefits under the System.

(3) **THE RETIREMENT FUND.** The Retirement Fund shall be a fund into which shall be deposited all funds transferred from the Annuity Fund and from the Pension Accumulation Fund as provided for in Sub-Sections (1) and (2) above of Section 4, from which retirement benefits are paid.

(a) In addition to transfers from the Annuity and Pension Accumulation Funds, the Pension Board may take by gift, grant, device or bequest, any money, personal property, real estate, or interest therein for the benefit of the fund.

(b) All amounts in excess of the amount protected by the Federal Depositors Insurance Corporation or similar plan by the Federal Government deposited in any bank or savings and loan association in any of the three (3) funds provided for herein shall be forthwith invested in bonds or securities which are direct obligations of the United States of America. All amounts deposited in any such bank or savings and loan association in excess of amounts required to pay monthly benefits shall be placed on deposit so as to draw interest. Interest and earnings from investments and deposits shall be deposited into the Retirement Fund.

(c) Every three (3) years the System shall be reviewed by a reputable actuary selected by the Pension Board. The Pension Board upon receipt of the report of such actuary shall make recommendations to the legislative delegation and the Governing Body of the City, for any needed revisions.

SECTION 5. CREDITABLE SERVICE. For the purpose of attainment of the period of service required for retirement under the provisions of this Act, the following conditions shall prevail and none other:

(1) All persons who are employees and retired employees of the City of Dothan on the date of the enactment of this Act and who were

members of the Alabama Employees Retirement System, shall receive credit for all prior service evidenced by Alabama Employees Retirement System prior years certificates, and so long as membership continues, such prior service certificate shall be final and conclusive for retirement purposes as to such service credited prior to this Act, except that any such certificate found to be inaccurate as to actual prior service according to records in the City Clerk's Office and Personnel Office, may be amended by resolution of the Governing Body of the City with the concurrence of the Pension Board upon certification of the City Clerk and Personnel Director, as to the actual service prior to the City of Dothan's withdrawal from the Alabama Employees Retirement System any employee should have credit for.

(2) Employee-members drafted or entering directly into the Armed Forces of the United States and complying with Section 2, Sub-Section (3), will receive credit for continuous service.

(3) Creditable service at retirement, on which retirement allowances of a member shall be based, shall consist of the membership service rendered by him since he last became a member, and also if he has a prior service certificate which is in full force and effect, the amount of the service certified on his prior service certificate.

(4) Anything in this Act to the contrary notwithstanding, any member having twenty (20) or more years of creditable service shall be eligible to continue in the membership of the System whether employed by the City or not until he files application for service retirement, at which time he shall be eligible for all benefits for full retirement as though all other conditions and requirements had been attained and fulfilled. Continuation of employment beyond twenty (20) years shall entitle such an employee's benefit to be computed on the basis of his total years service and his highest average annual salary for any previous consecutive five (5) years, and in accordance with the percentages as set out in Section 6, Paragraph 2.

SECTION 6. SERVICE RETIREMENT BENEFITS.

(1) Any member in service may retire upon written application to the Pension Board setting forth at what time, not less than thirty (30) days nor more than ninety (90) days subsequent to the execution and filing thereof, he desires to be retired, provided said member at the time so specified for his retirement, shall have become disabled, attained the age, and-or served the period required under the provisions of this Act which said employee desires to be retired.

(2) **FULL RETIREMENT.** Any employee-member who shall have served or accumulated twenty (20) years of creditable service, shall be eligible for full retirement. Such employee may be retired upon proper application and for the rest of his life receive as a retirement allowance a sum payable from the Retirement Fund amounting to the sum of (a), (b), (c), and (d), as set out below:

(a) $2\frac{1}{2}$ per cent times the first twenty (20) years of creditable service times his highest average annual salary for any previous consecutive five (5) years, plus

(b) 2 per cent for each year of creditable service from 20 to 25 years times his highest average annual salary for any previous consecutive five (5) years, plus

(c) $1\frac{1}{2}$ per cent for each year of creditable service from 25 to 30 years times his highest average annual salary for any previous consecutive five years, plus

(d) 1 per cent times all creditable service in excess of thirty (30) years multiplied by his highest average annual salary for any previous consecutive five (5) years.

The above benefit is payable in monthly installments.

(3) Any employee-member who has attained the age of sixty (60) on his last birthday, and has served or accumulated a total of fifteen (15) years creditable service, may retire voluntarily for reasons of his own. Upon retirement under the provisions of this Section, such employee shall receive as a retirement allowance the rest of his life a sum payable from the retirement fund equal to $2\frac{1}{2}$ per cent times the number of years of creditable service multiplied by his highest average annual salary for any previous consecutive five (5) years, payable in monthly installments.

(4) Any employee-member who has reached the age of seventy (70) and has accumulated at least ten (10) years creditable service shall be retired forthwith, unless waived on a year to year basis by majority vote of the Pension Board, and upon proper application shall receive for the rest of his life as a retirement allowance a sum payable from the Retirement Fund amounting to $2\frac{1}{2}$ per cent times the number of years of creditable service accumulated, multiplied by his highest average annual salary for any previous consecutive five (5) years, payable in monthly installments, provided if over 20 years creditable service, then the above Section 6 shall be used to compute retirement benefits.

(5) Disability Retirement. Any employee-member who has served or accumulated as much as ten (10) years creditable service, may be retired on a disability retirement allowance, provided that a Medical Board, to be composed of the County Health Officer and two (2) other practicing medical doctors designated by the President of the Houston County Medical Association, after an examination of such employee, shall certify that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent and that such member should be retired. Upon retirement for disability, such employee-member shall receive as a retirement allowance for the rest of his life, unless such amount shall be modified or changed by proper action as hereinafter provided for, a sum payable from the Retirement Fund amounting to fifty per cent (50) of his highest average annual salary for any previous consecutive five (5) years multiplied by the number of years creditable service limited to a maximum of twenty (20), and divided by twenty (20), payable in monthly installments.

(6) Any member who, as a result of his employment, in line of duty or while discharging his duties, or in the performance of his duties, or as a result of hazardous assignment, and not the result of his own misconduct, shall become permanently and totally disabled to the extent that he cannot perform properly his former duties of employment or duties of a less strenuous nature, as an employee of the City of Dothan, shall be retired, which action shall be initiated by the head of his department, and shall receive the same retirement allowance as if he had served as an employee for twenty (20) years and become totally disabled as provided in Section 6 (4) hereof; however, if service is over 20 years, then the calculation is in the same manner as 25 years divided by 20 years as indicated in the above Subsection 4. Provided, however, that such retired member shall submit to medical examinations hereinafter required. In the event an employee retired under this section shall be found mentally and physically capable of performing duties of a less strenuous nature, then such employee may, upon the concurrence of

the Pension Board and the Governing Body, be employed in such capacity at the prevailing salary for such work as is provided by the City of Dothan Civil Service System. Upon the return to employment from retirement under this section, the period of retirement together with all prior services shall be credited to such employee, in the ultimate attainment of full retirement or such portion thereof as may be earned under the provisions of this Act. Any such employee who returns to work or continues his employment in work of a less strenuous nature at a reduced rate of pay may be ultimately retired on the basis of his highest five (5) years average salary, provided he shall, while employed at such reduced rate of pay, continue to pay to the System by payroll deductions six and one-half per cent (6½) of his highest consecutive five (5) years average salary. The City's contribution to the Retirement Fund shall be at the same rate of six and one-half (6½ per cent).

(7) RE-EXAMINATION OF MEMBERS RETIRED ON THE ACCOUNT OF DISABILITY.

(a) Once each year during the first five (5) years following the retirement of a member on a disability allowance and once in every three (3) year period thereafter, the Pension Board may, and upon his application shall require any member so retired who has not yet attained the age of sixty (60), to undergo a medical examination, such examination to be made at the place of residence of such members, or other place mutually agreed upon by a physician or physicians of, or designated by the Medical Board. Should any member drawing disability retirement allowance who has not attained the age of sixty (60) refuse to submit to such medical examination, his allowance will be discontinued until such member submits to an examination, and should his refusal continue for one (1) year, all his right in and to his pension may be revoked by the Pension Board. Should the Medical Board report and certify to the Pension Board that a member retired on disability is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation and should the Pension Board concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of his highest average final compensation for the consecutive five (5) years of his or her employment with the City. Should his earning capacity be later changed, the amount of his pension may be further modified; provided, that the new pension shall not exceed the amount of the pension originally granted, nor an amount which, when added to the amount earnable by the beneficiary together with his annuity, exceeds the amount of his highest average final compensation for any previous consecutive five (5) years of his or her employment with the City.

(b) In no event will an employee who was a member of the System as of the date of this Amendment receive, upon retirement, an amount less than he would have received had the plan not been amended.

(8) MANNER OF PAYMENT AND OPTIONAL BENEFITS.

(a) Subject to the provisions of Sub-sections (1) and (2) above, the full retirement benefit is payable in monthly installments on a single-life basis for lifetime of the employee-member.

(b) Joint and Survivor Spouse Option. In lieu of the benefit otherwise payable under (1) and (2) above in the standard form of a single-life benefit, an employee-member may designate his spouse as his con-

tingent pensioner and elect to receive an adjusted benefit payable for life, so that payments of 50 per cent of the adjusted amount shall be continued to the contingent pensioner.

(c) An employee-member may elect the spouse option without the approval of the Pension Board if his election is filed in writing with the Pension Board one (1) year prior to his eligibility for retirement. During the one (1) year period preceding the employee-member's eligibility retirement date, the option may be elected, changed, or revoked only with the approval of the Pension Board; and the Pension Board shall require evidence of good health of the employee-member or his contingent pensioner.

(d) An election made pursuant to this sub-section shall become in-operative in the event that (i) the employee-member's retirement or death occurs prior to his actual retirement date or (ii) the death of the contingent pensioner occurs prior to the employee-member's actual retirement date.

(e) Under the Surviving Spouse Option, the contingent pensioner, shall be entitled to receive a benefit, commencing on the first day of the month next following the employee-member's death and payable during the contingent pensioner's remaining lifetime, or until re-marriage by the contingent pensioner, in a monthly amount equal to 50 per cent of the adjusted monthly amount which had been payable to the employee-member. Such adjusted amount shall be determined such that the aggregate of the prospective benefit payments expected to be made to the employee-member and his contingent pensioner shall be the Actuarial Equivalent which the employee-member would otherwise be entitled to receive pursuant to Sub-section (2) above.

SECTION 7. DEDUCTIONS FROM RETIREMENT ALLOWANCES.

The City covers all active employees with a life and group hospital insurance program through a reliable and qualified insurance company. In the event that coverage can be extended to individuals retiring on or after the effective date of this Act, the following procedures will apply.

(1) Deductions from an employee's retirement allowances are authorized to be made to cover the retiree's portion of payments of City sponsored life and group hospital insurance premiums.

(2) The individual retiree's and City's proportionate share of premium payments shall be determined by resolution passed by the Board of Commission, City of Dothan, Alabama.

(3) At such time as a retired employee becomes eligible for Medicare, his participation in any City sponsored Group Hospital Program will be terminated and deductions from retired allowances will be adjusted accordingly. The securing of supplemental coverage to the Medicare Program will be the responsibility of the retiree.

SECTION 8. DEATH OF RETIRED EMPLOYEE. In the event any retired employee dies before having received as retirement allowances, a sum equal to his annuity payroll deductions, and the like amount deposited to his credit by the City in the Pension Accumulation Fund, the balance of this sum, if the balance is in excess of \$1,000, shall be paid to his properly designated beneficiary in a lump sum payment. If the balance of the aforementioned sum is less than \$1,000, then a minimum sum of \$1,000 shall be paid to his properly designated beneficiary in a lump sum payment.

This Sub-section is in lieu of and is not wholly applicable to those employee-members electing the Joint and Surviving Spouse Option in Section 6, Sub-section (7) (b) hereof. However, if the Actuarial Equivalent of the prospective spouse benefit payments expected to be made to the contingent pensioner shall be less than \$1,000; then, the contingent pensioner may elect, with the approval of the Pension Board, the minimum of \$1,000 in a lump sum payment.

SECTION 9. EXEMPTIONS. No portion of, or any of the funds or securities, either while held by the System or after distribution to employee-members as retirement allowances, shall be subject to, or exacted, on account of any taxes, nor be subject to garnishment, levy, execution, attachment, nor be subject to assignment or any process of collection of debts, provided this shall not apply to assignments or debts to the System or to the City, and as further authorized in Section 7 above. No liability of the System for the return of contributions shall be subject to assignment and payment to personal representatives, except to properly designated beneficiaries in case of death, and no liability of the System for return of contributions shall be subject to any process in connection with debts.

SECTION 10. PERPETUITY OF SYSTEM AND RELIEF OF MEMBERS ALREADY RETIRED.

(1) At any time there is an insufficient amount in the Retirement Fund from the sources herein provided for to meet the retirement obligations of the system, the City shall appropriate a sufficient amount of its revenue available for general purposes to meet such Retirement Fund obligations as they are due each month.

(2) For the purpose of additional relief and benefit to City employee-members already retired, effective upon the end of the first full calendar month following the passage and approval of this Act, the monthly benefits of all such retired employees shall be computed upon the basis of said Act No. 59, Regular Session, 1971, Approved July 12, 1971, and as amended by this Act.

(3) The additional relief and benefit provided in the preceding paragraph for such employees already retired and who retire hereafter, as a cost of living increase shall be increased each year in the future by two per cent (2) of the amount of the pension being received; such increase to become effective on the anniversary date of each employee's retirement following the effective date of this amendment.

(4) Further additional relief and benefit provided in the two preceding paragraphs for such employees already retired as an additional cost of living increase shall be the sum of Ten Dollars (\$10.00) payable each month; such increase to become effective the following month of the date of this amendment.

SECTION 11. RETIRED EMPLOYEES WHO RETURN TO WORK.

Retired employees who return to full time work as a City employee will be ineligible to receive benefits from the retirement fund while engaged in such full time work. Each such employee shall however be required to participate in the retirement system as required of a new employee specified in Section 2 hereof, and shall retain the full period of creditable service previously earned for retirement. Upon his application for retirement again, the period of time he has last worked, if less than five years, shall be added to such highest consecutive average annual salary for a period of equal five years. If the amounts received, however, after returning to work after retirement, are less than before

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his first retirement, such employee, upon retiring again shall be allowed to receive monthly retirement benefits based upon his highest average annual salary for any consecutive five years.

SECTION 12. EXCESS RETIREMENT FUNDS AND PAYMENTS.

(1) All annuity payroll deductions and pension accumulation funds transferred to the Retirement Fund upon the retirement of any member shall be credited to such member's account and held in trust for no other purpose except for the payment of such member's retirement benefits or to such member's properly designated beneficiary upon termination by death. Payments to such member shall be charged against his account, so as to reflect the unpaid balance.

(2) After the amounts accumulated for such retired member's credit in (1) above have been paid back to such member as benefits, continued benefits shall be paid out of funds accruing to the Retirement Fund under the provisions of Section 4 and payment of such continued benefits shall be continually charged to such retired member's account so as to reflect the amount paid in excess of credits provided for in (1) above.

SECTION 13. CONFLICTING LAWS. All laws in conflict with this Act are hereby repealed to the extent of such conflict with this Act.

SECTION 14. EFFECTIVE DATE. This Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

**STATE OF ALABAMA
HOUSTON COUNTY**

Before me, the undersigned authority in and for said County in said State, this day, personally appeared D. H. DOLSON, who is known to me and who, being by me first duly sworn, deposes and says: That he is **ADVERTISING MANAGER** of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 successive weeks, on the following dates: April 11, 16, 23, 30, 1975 in the Dothan Eagle, which said Dothan Eagle has a general circulation in the County in which it is published and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

D. H. DOLSON.

Sworn to and subscribed before me on this 1 day of May 1975.

SARAH C. BOYD,
Notary Public.

My Commission Expires 2-8-78.

By Mr. Hill:

H. 94. Proposing an amendment to the Constitution of Alabama relating to the travel expenses to be paid members of the legislature.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Merrill, Coburn, Drake, Crowe, Kinsey, Owens, Cross, Pegues, Naramore, Gafford, Teague, McCluskey, Moore (O), Dial,

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Manley, Robertson, McCulley, Cooper, Mitchem, Sonnier, Harris, Callahan, LeFlore, Smith (M), Boles, Rich, Ford, Carter, Sparks, Johnstone, Folmar, Carothers and Weeks:

H. 95. To amend Act No. 90, S. 66, Special Session 1971 in relation to further appropriations for the construction of Federal Aid highway projects.

Ways and Means.

By Messrs. Merrill, Mitchem, Coburn, Burgess, Teague, Moore (O), Dial, Manley, Johnson, Sonnier, LeFlore, Rich, Ford, Lee, Carter, Johnstone, Weeks and Brindley:

H. 96. To provide that any person in this state at the arrival at the age of eighteen years shall be relieved of their disability of minority.

Ways and Means.

By Messrs. Merrill, Plaster, Kinsey, Wyatt, McCluskey, Biddle, Dial, Roberts, Burgess, Carter, Owens, Sasser, Martin, McCulley, Crowe, Howard, Gafford, Teague, McNair, Cooper, Whatley, Sonnier, Naramore, Sparks, Robertson, Coburn, Warren, Falkenburg, Holley, Greer, Quarles, Harris, Brindley, Morris, Starkey, Waggoner, Hill, Lee, Clark, Shelton, Moore (O), Jolly, Trammell, Armstrong, Smith (C), Weeks, Baker, Barron, McNees, Lutz, LeFlore, Boles, Johnson, Cross, Ford, Mitchem, Turnham, Drake, Carothers, Callahan, Rich, Williams and Folmar:

H. 97. In addition to any law or part of any law contained and appearing in Chapter 14 of Title 52 of the Code of Alabama 1940, as amended, which relates to the Teachers' Retirement System of Alabama, to provide for the retirement under the Teachers' Retirement System of any teacher, regardless of age, who is a member of the Teachers' Retirement System, and, who has thirty years of creditable service; also provides for a clarification of the corporate powers of the Retirement Systems of Alabama; and to provide for necessary and proper appropriations.

Ways and Means.

By Messrs. Merrill, Coburn, Drake, Crowe, Kinsey, Owens, Cross, Pegues, Naramore, Gafford, Mitchem, Teague, McCluskey, Moore (O), Dial, Manley, Robertson, McCulley, Cooper, Sonnier, Callahan, LeFlore, Smith (M), Boles, Rich, Ford, Carter, Sparks, Johnstone, Folmar, Carothers and Weeks:

H. 98. To appropriate revenues to the state highway department, to set priorities for the obligation of these funds, and to repeal Act No. 90, S. 66, approved May 11, 1971, entitled "An Act to make appropriations for the operation and maintenance of the State Highway Department, for payment of the principal of and interest on bonds heretofore or hereafter issued for public highway and bridge purposes by the State, Alabama Highway Authority or Alabama Highway Finance Corporation, for salaries, other expenses, equipment purchases, automotive equipment purchases, and for the construction and maintenance of public highways and bridges in the State, which are a part of the State Highway System; and to make conditional allocations to Cities and Counties for construction, reconstruction, and improvement of public roads and bridges."

Ways and Means.

By Messrs. Merrill, Coburn and Robertson:

H. 99. To make a supplemental appropriation to the Department of Health for the operation of the Medicaid Program for the fiscal year ending September 30, 1975, in the amount of \$8,700,000.00.

Ways and Means.

By Messrs. Crowe and Sparks:

H. 100. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide an additional clerk-hire allowance for the Judge of the Winston County Court of Law and Equity, Winston County, Alabama, and to provide for the payment of same.

Local Legislation No. 1.

By Messrs. Crowe and Sparks:

H. 101. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide for the hiring of two (2) new Deputies and to provide for the payment of their salaries.

Local Legislation No. 1.

By Mrs. Quarles:

H. 102. Relating to the appearance of any person while drunk or intoxicated or under the influence of narcotic drugs, in a public place while in the actual physical possession of a loaded pistol or handgun. Providing for penalties for violations.

Judiciary.

By Messrs. Quarles, Naramore, Armstrong, Cross and Plaster:

H. 103. To provide that all full-time cooks, maids and janitors employed by city and county boards of education in any public school or public college within this state may become members of the Teachers' Retirement System of Alabama and shall receive benefits provided under the provisions of the Code of Alabama, 1940, Title 52, Chapter 14, as amended, to place the duty of collecting the employees' contributions to the Teachers' Retirement System on the county and city board of education or the governing body of any public school employing such cooks, maids and janitors, and also the duty of remitting to the secretary-treasurer of the Teachers' Retirement System of Alabama the employees' contributions; to provide for payment of employer contributions as necessary and providing for prior service for such cooks, maids and janitors out of funds of the Alabama Special Educational Trust Fund, and to make an appropriation to carry out the provisions of this Act.

Ways and Means.

By Messrs. Baker and Whatley (With Notice and Proof):

H. 104. Relating to Russell County; requiring any county official who maintains a fiduciary fund under the provisions of Title 58, Sections 30 through 38 or any other statutory provisions which provide for the keeping of fiduciary funds, to remove any monies which have been in the fiduciary fund for a period of ten years or more, and to credit such funds to the county treasury to be expended by the county governing body for any and all purposes.

Local Legislation No. 1.

Notice and Proof H. 104:

STATE OF ALABAMA
COUNTY OF RUSSELL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Russell County; requiring any county official who maintains a fiduciary fund under the provisions of Title 58, Sections 30 through 38 or any other statutory provisions which provide for the keeping of fiduciary funds, to remove any monies which have been in the fiduciary fund for a period of ten years or more, and to credit such funds to the county treasury to be expended by the county governing body for any and all purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Any official of Russell County who maintains a fiduciary fund under the provisions of Title 58, Sections 30 through 38 or any other statutory provisions which provide for the keeping of fiduciary funds shall remove from the fiduciary fund any monies which have been in the fiduciary fund for a period of ten years or longer.

Section 2. Any funds which are removed from a fiduciary fund under the provisions of this act shall be credited to the general fund in the county treasury and may be expended by the county governing body for any and all purposes for which other funds in the general fund may be expended.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF RUSSELL

Before me, the undersigned authority in and for said County in said State, this day personally appeared William R. Jorgensen, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was General Manager of the Phenix Citizen, a newspaper of general circulation published in Russell County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Mar. 13, Mar. 20, Mar. 27, and Apr. 3, all in the year 1975.

WILLIAM R. JORGENSEN.

Sworn to and subscribed before me April 3, 1975.

CAROLYN DUDLEY,
Editor and Notary Public.

My Commission Expires January 17, 1979.

By Messrs. Baker and Whatley (With Notice and Proof):

H. 105. Providing that the Probate Judge of Russell County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Local Legislation No. 1.

Notice and Proof H. 105:

STATE OF ALABAMA
COUNTY OF RUSSELL COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Providing that the Probate Judge of Russell County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Be It Enacted by the Legislature of Alabama:

Section 1. The Probate Judge of Russell County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications, testimony and oath of applicants for voting registration at any time the probate office is open to the public for business; such applications will then be submitted to the Board of Registrars at their next meeting and the Board shall notify the applicants in writing of their action thereon.

Section 2. The Board of Registrars is hereby authorized and empowered to promulgate such rules and regulations necessary to carry out the provisions of this act.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF RUSSELL

Before me, the undersigned authority in and for said County in said State, this day personally appeared William R. Jorgensen, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was General Manager of the Phenix Citizen, a newspaper of general circulation published in Russell County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice hav-

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ing appeared in the issues of said paper on Mar. 13, Mar. 20, Mar. 27, and Apr. 3, all in the year 1975.

WILLIAM R. JORGENSEN.

Sworn to and subscribed before me April 3, 1975.

CAROLYN DUDLEY,
Editor and Notary Public.

My Commission Expires January 17, 1979.

By Messrs. Baker and Whatley (With Notice and Proof):

H. 106. Relating to Russell County, providing for the hiring of two additional deputies and one county jail matron to be appointed by the sheriff, and providing salaries therefor.

Local Legislation No. 1.

Notice and Proof H. 106:

STATE OF ALABAMA
COUNTY OF RUSSELL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Russell County, providing for the hiring of two additional deputies and one county jail matron to be appointed by the sheriff, and providing salaries therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Russell County is hereby authorized to hire two (2) additional deputy sheriffs and one (1) matron for the county jail, all of whom shall be appointed by the sheriff of said county. The salaries for the said deputies and matron herein provided shall be payable in monthly installments from the general fund of the county. The county governing body shall discretionarily set the salary for the county jail matron however, the salaries for each of the deputy sheriffs shall not be less than \$600.00 per month.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF RUSSELL

Before me, the undersigned authority in and for said County in said State, this day personally appeared William R. Jorgensen, who, being by

me first duly sworn, deposes and says that during the times herein mentioned he was General Manager of the Phenix Citizen, a newspaper of general circulation published in Russell County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 4-10, 4-17, 4-24, and 5-1, all in the year 1975.

WILLIAM R. JORGENSEN.

Sworn to and subscribed before me May 1, 1975.

CAROLYN DUDLEY,
Editor, Notary Public.

My Commission Expires January 17, 1979.

By Messrs. Baker and Whatley:

H. 107. To provide for an increase in the compensation of the bailiffs of the circuit court of the 26th judicial circuit.

Local Legislation No. 1.

By Messrs. Baker and Whatley:

H. 108. To provide an additional expense allowance for the District Attorney of the Twenty-Sixth Judicial Circuit of Alabama.

Local Legislation No. 1.

By Messrs. Baker and Whatley (With Notice and Proof):

H. 109. Relating to Russell County, providing that the salary of the district attorney's secretary shall be set and paid by the county governing body of Russell County.

Local Legislation No. 1.

Notice and Proof H. 109:

STATE OF ALABAMA
COUNTY OF RUSSELL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Russell County, providing that the salary of the district attorney's secretary shall be set and paid by the county governing body of Russell County.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Russell County is hereby authorized to set the salary for the secretary of the district attorney for the Sixteenth Judicial Circuit. The said salary shall be paid in equal monthly installments out of the general funds of Russell County by the governing body of said county.

Section 2. All laws or parts of laws which conflict with this act are repealed.

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Section 3. The provision of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF RUSSELL

Before me, the undersigned authority in and for said County in said State, this day personally appeared William R. Jorgensen, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was General Manager of the Phenix Citizen, a newspaper of general circulation published in Russell County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 4-10, 4-17, 4-24, and 5-1, all in the year 1975.

WILLIAM R. JORGENSEN.

Sworn to and subscribed before me May 1, 1975.

CAROLYN DUDLEY,
Editor-Notary Public.

My Commission Expires January 17, 1979.

By Messrs. Baker and Whatley:

H. 110. Relating to counties having a population of not less than 42,000 nor more than 49,500 according to the most recent federal decennial census; to create the office of investigator for the district attorney; to provide for his duties, authority and compensation.

Local Legislation No. 1.

By Messrs. Whatley and Baker (With Notice and Proof):

H. 111. Relating to Russell County; to provide for the employment of clerks, secretaries, and clerical assistants to perform duties in the county offices located in the county courthouse and to provide for the employment of jailers for the county jail; and to provide for the salaries of all such employees.

Local Legislation No. 1.

Notice and Proof H. 111:

STATE OF ALABAMA
COUNTY OF RUSSELL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Russell County, to provide for the employment of clerks, secretaries, and clerical assistants to perform duties in the county offices

located in the county courthouse and to provide for the employment of jailers for the county jail; and to provide for the salaries of all such employees.

Be It Enacted by the Legislature of Alabama:

Section 1. The Russell County Commission or other like governing body is hereby authorized to employ such clerks, secretaries, and clerical assistants as are needed to perform duties in the county offices located in the courthouse and to employ such jailers as are needed for the county jail. All such employees shall have their salaries determined by the county commission to be paid in equal monthly installments from any funds available in the county treasury upon warrants drawn upon the county treasury in the manner prescribed by law.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF RUSSELL

Before me, the undersigned authority in and for said County in said State, this day personally appeared William R. Jorgensen, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was General Manager of the Phenix Citizen, a newspaper of general circulation published in Russell County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 4-10, 4-17, 4-24, and 5-1, all in the year 1975.

WILLIAM R. JORGENSEN.

Sworn to and subscribed before me May 1, 1975.

CAROLYN DUDLEY,
Editor-Notary Public.

My Commission Expires January 17, 1979.

By Mr. Whatley (With Notice and Proof):

H. 112. Relating to Lee County; to provide that the County Commission shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, and sales and use taxes; and to provide for the disposition of the proceeds of such taxes.

Local Legislation No. 1.

Notice and Proof H. 112:

STATE OF ALABAMA COUNTY OF LEE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

Be It Enacted by the Legislature of Alabama:

"Section 1. Subject to any limitation of the Constitution of Alabama or of any general law of this state, the Lee County Commission

shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, and sales and use taxes. The revenue from any of the taxes authorized above shall be deposited into the county treasury be used in the manner prescribed by the county commission.

"Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

"Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF LEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Millard B. Grimes, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Opelika-Auburn Daily News, a newspaper of general circulation published in Lee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 4/17/75, 4/25/75, 5/2/75, and 5/5/75, all in the year 1975.

MILLARD B. GRIMES.

Sworn to and subscribed before me May 5, 1975.

DOROTHY W. MITCHELL,
Notary Public.

By Messrs. Lee, Whatley, Johnson, Robertson, Clark, White, Crowe, Hopping, Harrison, Owens, Turnham, Wyatt, Andrews, Barron, Harris, Hines, Carothers, Williams, Sasser, Crawford, Holley, Pegues, Smith (B), Johnstone, Hill, Drake, Sparks, Merrill, Manley, McNair, Boles, Waggoner, Biddle, Armstrong, Jolly, Hilliard, Moore (O), Trammell and Carter:

H. 113. To provide for and regulate absentee voting in primary, general, special and municipal elections; prescribing penalties for violations of the Act; repealing conflicting laws and specifically repealing Act No. 424, H. 351, Regular Session 1949 (Acts 1949, page 601) and all acts amendatory and supplemental thereto.

Constitution and Elections.

By Mr. Campbell (With Notice and Proof):

H. 114. Relating to Choctaw County, Alabama; levying a privilege license or excise tax on certain sellers and distributors of spiritous or vinous liquor; levying a privilege license or excise tax upon sellers, distributors, storers, or users of malt or brewed beverages; authorizing the county commission to levy an additional tax upon such sellers, distributors, storers, or users of malt or brewed beverages; providing for the administration of the Act by the Probate Judge and the collection,

apportionment, and distribution of the proceeds of the Act; prescribing penalties for violations and giving the Act a retroactive effect.

Local Legislation No. 1.

Notice and Proof H. 114:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF CHOCTAW

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Choctaw County, Alabama; levying a privilege license or excise tax on certain sellers and distributors of spiritous or vinous liquor; levying a privilege license or excise tax upon sellers, distributors, storers, or users of malt or brewed beverages; authorizing the county commission to levy an additional tax upon such sellers, distributors, storers, or users of malt or brewed beverages; providing for the administration of the Act by the Probate Judge and the collection, apportionment, and distribution of the preceeds of the Act; prescribing penalties for violations and giving the Act a retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Relating to Choctaw County, Alabama; every person, firm, corporation, copartnership, club or association other than the State Alcoholic Beverage Control Board Stores, who sells or distributes spirituous or vinous liquors shall pay a privilege or excise tax of ten percent on the wholesale price of each bottle or other container thereof.

(b) Every person, firm, copartnership, corporation, club, association, agency, distributor, storer or user of any malt or brewed beverages (including beer, lager beer, ale, porter, or similar fermented malt liquor containing one half of one percent or more of alcohol by volume) shall pay a privilege license or excise tax upon the sale, use or consumption, distributing, storing or withdrawing from storage in said county of any malt or brewed beverages as herein defined. Such tax shall be in an amount equal to two cents on each twelve fluid ounces, or fractional part thereof, and one-sixth cent for each ounce in excess of twelve ounces in a container, of malt or brewed beverages sold, used, consumed, distributed, stored or withdrawn from storage in said county, which tax shall be in addition to any and all other taxes heretofore or hereafter levied on such beverages. Provided, the County Commission of Choctaw County if it deems it advisable, may levy an additional tax not to exceed two cents on each twelve fluid ounces or fractional part thereof and one-sixth cent for each ounce in excess of twelve ounces in a container on malt or brewed beverages sold, used, consumed, distributed, stored, or withdrawn from storage. Where the amount of tax levied under the provisions of this Act shall have been paid to the county or to any municipality therein by any seller, distributor, dealer, storer or user, such payment shall be sufficient, the intent being that the tax levied by this Act shall be paid but once. Provided, however, that nothing in this Act shall be construed to prohibit any municipality from levying a municipal tax in addition to the one herein provided for.

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Section 2. The privilege or license tax authorized herein shall be collected by or under the supervision and control of the Probate Judge of Choctaw County who shall be solely responsible for the administration of this Act. Said Probate Judge shall provide rules and regulations and administrative machinery for the enforcement and collection of the tax levied and may provide devices for affixing stamped impressions on lids and crowns to be used in evidence of payment of the tax and provide proper forms requiring sufficient information and proof to be verified by the oath of any seller, distributor, dealer, storer, or other user claiming exemptions from payment of the tax on account of purchases made from others who have paid the tax imposed by this Act. As his compensation for the performance of his duties in administering this Act the Probate Judge shall be entitled to two and one-half percent ($2\frac{1}{2}\%$) of all taxes collected under the provisions of this Act. The Probate Judge is authorized to employ such additional personnel for the Sheriff's department to assist in the administration and enforcement of this Act as he deems necessary and desirable at a cost not to exceed ten percent (10%) of the proceeds of the tax per annum.

Section 3. (a) Each and every seller of spiritous or vinous liquors shall on or before the fifteenth day of the first full calendar month after the effective date of this Act, and on or before the fifteenth day of each calendar month thereafter, file with the Probate Judge, a written statement, sworn to and subscribed by such seller, showing the name and address of such seller, each and every purchase, receipt or procurement of spiritous or vinous liquors made by such seller during the calendar month next preceeding, together with the brand or brands of such spiritous or vinous liquors, the quantity of each brand, the wholesale price, the size of the container of each brand, the date or dates on which purchased, together with the quantity of each brand of such spiritous or vinous liquors sold, distributed, or delivered.

(b) Each and every distributor or seller of malt or brewed beverages shall on or before the 15th day of the first full calendar month after the effective date of this Act, and on or before the 15th day of each calendar month thereafter, file with the Probate Judge a written statement, sworn to and subscribed by such distributor or seller, showing the name and address of each distributor or seller, each and every purchase, receipt of procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceeding, together with the name and address of the producer, distributor, seller or other person from whom purchases, received or procured, the brand or brands of such malt or brewed beverages, the quantity of each brand, the size and kind of container of each brand of such malt or brewed beverages received or procured, itemized statement showing the name and address of each distributor or seller or other person to whom any malt or brewed beverages were sold, distributed or delivered by such distributor or seller, together with the quantity of each brand of malt or brewed beverages sold, distributed or delivered to each, the size and kind of containers for each brand of such malt or brewed beverages and the date or dates on which sold, distributed or delivered.

(c) Any distributor or seller failing, refusing or omitting to file the statements herein prescribed shall be guilty of a misdemeanor, and each day such default continues shall constitute a separate offense.

Section 4. It shall be unlawful for any distributor or seller to make any sale, distribution or delivery of spiritous or vinous liquors or malt or brewed beverages within the county without first having obtained a permit to do so from the Probate Judge and also obtaining a business license from each municipality in which sale, distribution or delivery is to be made; provided, however, that nothing contained in

this section, or any other part of this Act, shall authorize any sale, distribution or delivery of spiritous or vinous liquors or of any malt or brewed beverages within said county, if such sale, distribution or delivery is prohibited by any other law of this State.

Section 5. (a) It shall be the duty of any person subject to the license tax imposed by this Act to keep full and complete records of all purchases, sales, receipts, inventories and all other matters from which the correct amount of license tax to which such person is subject may be ascertained; in the event that such person should discontinue his business, he shall not destroy or dispose of such records until he shall have given to the Probate Judge thirty days notice in writing of his intent to destroy or dispose of such records. The Probate Judge or his duly authorized agent is authorized to inspect such records and to make copies of such parts of same as may be deemed advisable or proper. The failure to keep such records or destruction without giving the prescribed notice, shall constitute a misdemeanor, punishable in accordance with law.

(b) Upon demand by the Probate Judge or his authorized deputy or agent, auditor or representative, it shall be the duty of any person subject to the license tax imposed by this Act to furnish without delay, all such information as may be required for determination of the correct amount of license tax to which such person is subject, and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination during reasonable business hours and at such person's place of business all books of account, invoice, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories, and any other information from which the correct amount of license tax to which such person is subject may be determined including herein the exhibition of bank deposit books and bank statements. Any person failing to or refusing to submit such records for such inspection or examination upon lawful demand therefor shall be guilty of a misdemeanor, punishable according to law.

(c) Should any person subject to the provisions of this Act not keep and have in his possession or control correct and detailed books of account, invoice, papers, reports or memoranda correctly showing the data and information necessary for the determination of the correct amount of the license tax due and the required information as to sales in the several tax recipient areas; or, if, having the same in possession or under control such person shall fail or refuse to submit and exhibit same for inspection and examination as herein required, then and in that event it shall be the duty of the Probate Judge of ascertain from such information and data as may reasonably be obtained the correct amount of license tax due from such person and to assess the same against such person and give to such person notice of such assessment and demand of him immediate payment of the amount thereof. If such amount be not paid within ten days after receipts of notice and demand for payment, then such failure to pay shall constitute a misdemeanor, and each day of delay to pay shall constitute a separate offense.

(d) The tax shall be paid by each distributor or seller when he makes his report as required in Section 3 or when he buys his decals or other devices from the Probate Judge, if the Probate Judge requires the distributor or seller to buy decals or other devices.

Section 6. (a) It shall be the duty of the Probate Judge to prepare such forms as may be necessary for use by sellers and distributors of malt or brewed beverages in compliance with the provisions of this Act, and to furnish the same to such distributors or sellers as they may be required.

(b) It shall be the duty of the Probate Judge to enforce the provisions of this Act, and to that end he is authorized to enter lawfully any premises of any retailer of spiritous or vinous liquors or of malt or brewed beverages at any time during the hours in which such retailer is engaged in the business of selling or serving spiritous or vinous liquors or malt or brewed beverages, and to inspect the containers of spiritous or vinous liquors or malt or brewed beverages, in the retailer's possession, for the purpose of determining whether or not there be any containers not having affixed the decal or other device contemplated by this Act. It shall be lawful also for any police officer or deputy sheriff to enter lawfully any such retail establishment for the said purpose of inspection and determination of whether or not there be on hand any untaxed malt or brewed beverages or spiritous or vinous liquors.

Section 7. (a) Collection of the tax may be accomplished in this fashion:

The Probate Judge by requisition to and upon the governing body of Choctaw County, may procure decals or other devices susceptible of being affixed, with measurable permanence, to containers of malt or brewed beverages to be taken from storage, distributed or sold, each of which decals or other devices shall bear in legible characters a notation that evidences the payment of the tax levied by this Act, and may procure such forms and other printed matter and materials as may be necessary in the administration of this Act. To reimburse Choctaw County for the cost and expense incurred by it in securing and furnishing the said decals or other devices, and forms and other matter furnished by the county commission. There shall be deducted from the gross amount of tax collected, at each tax distribution period, the cost and expense incurred by the county in procuring and furnishing the decals or other devices contemplated by this Act and the cost of form or other materials hereinbefore provided for, and shall pay over the amount so deducted to the county. Decals or other devices may be furnished by the Probate Judge to each seller or distributor of spiritous or vinous liquors and malt or brewed beverages, upon his request therefor and payment of the amount of tax corresponding to the stated value of the decals or other devices that he procures less a ten percent discount; provided, however, that the Probate Judge may, in his discretion, require that such decals or other devices shall be sold and furnished to wholesalers only. Each distributor or seller must affix to each container of spiritous or vinous liquors or malt or brewed beverages the appropriate decals or other devices before the same is taken from storage, sold or delivered.

(b) The amount distributed by the Probate Judge to the several recipients of the proceeds of the tax as provided in this Act, shall be, as to each recipient's proportionate part of the net proceeds of the tax, such net proceeds to be the total amount of taxes collected less the cost of collection and expenses of administration of this Act.

Section 8. After the payment of all costs of collection and enforcement of the tax levied herein, or hereafter levied by the Choctaw County Commission under the terms of this Act, the net proceeds shall be prorated and distributed monthly by the Probate Judge to the county and municipalities therein on the basis of their respective populations according to the most recent Federal Decennial Census, or the most recent count by the Bureau of the Census.

The Probate Judge shall determine the distribution formula after each Federal Decennial Census and the new formula shall go into effect on the first day of January of the year next succeeding the year in which the federal government publishes the decennial figures, or on the first day of the second month succeeding the month the most recent count by the Bureau of the Census is filed with the Probate Judge.

Before any funds collected after October 30, 1973, and thereafter are distributed to the county and municipalities under Section 8 of this Act and after all costs of collection and enforcement of the tax levied herein have been paid, the Probate Judge shall distribute forty thousand dollars (\$40,000) to the Choctaw County Commission and the Commission shall appropriate that amount to the Choctaw County Board of Education. After October 1, 1975, and annually thereafter, the Probate Judge shall, before any funds collected under this Act are distributed to the county and municipalities and after costs of collection and enforcement have been paid, distribute twenty thousand dollars, (\$20,000) from the taxes collected under this Act to the Choctaw County Commission and the Commission shall appropriate that amount to the Choctaw County Board of Education.

After the payment of all costs of collection and enforcement of the tax levied herein the proceeds of all taxes collected on an annual basis due from October 1 through September 30 of the following year in excess of \$90,000.00, shall be distributed by the Probate Judge as follows: 20% to the Choctaw County Board of Education and the remainder to the County and Municipalities therein on the basis of their respective populations as set out hereinabove.

The Probate Judge may elect to distribute the taxes collected hereinafter on a quarterly basis.

Section 9. Any person, firm, or corporation who violates any provision of this Act or the rules and regulations as may be provided by the Probate Judge of Choctaw County shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each month such violation continues shall constitute a separate offense.

Section 10. Any person, firm, or corporation who fails to pay the tax herein levied within the time prescribed in the rules and regulations set out by the Probate Judge shall pay, in addition to the tax, a penalty of ten percent of the amount of tax, together with interest therein at the rate of one half of one percent per month or fraction thereof, from the date at which the tax herein levied becomes payable, such penalty and interest to be assessed and collected as a part of the tax.

Section 11. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 13. The operation of this Act shall be retroactive to July 14, 1973, and all taxes paid pursuant hereto are ratified and confirmed.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CHOCTAW

Before me, the undersigned authority in and for said County in said State, this day personally appeared James M. Windham, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Choctaw Advocate, a newspaper of general circulation published in Choctaw County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice hav-

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ing appeared in the issues of said paper on April 10, April 17, April 24, and May 1, all in the year 1975.

JAMES M. WINDHAM.

Sworn to and subscribed before me May 1, 1975.

NELL F. EZELL,
Notary Public.

By Mr. Campbell:

H. 115. To validate in certain cases municipal corporations attempted to be organized under the laws of Alabama and invalid because of any irregularity in the procedure for incorporation.

Local Government.

By Mr. Campbell:

H. 116. To amend Section 403, Title 37, Code of Alabama 1940, so as to require electors standing for election as municipal officers to have been a resident of the municipality for a period of not less than ninety (90) days prior to the date of the municipal election in which they seek election.

Constitution and Elections.

By Mr. Campbell:

H. 117. To authorize incorporated municipalities of this state to discontinue all utility services to any of their customers or subscribers in the event of delinquency of payment for charges or fees for one or more utility services.

Local Government.

By Messrs. Campbell and Manley (With Notice and Proof):

H. 118. Relating to Sumter County, authorizing the county commission to retain one-half of the fines received for violations resulting from state trooper arrests in that county, and providing such funds be credited to the county general fund.

Ways and Means.

Notice and Proof H. 118:

STATE OF ALABAMA
COUNTY OF SUMTER

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Sumter County, authorizing the county commission to retain one-half of the fines received for violations resulting from state trooper arrests in that county, and providing such funds be credited to the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Sumter County is hereby authorized to collect and deposit in the general fund of said county, fifty

percent (50 percent) of all the monies received in payment of fines imposed in said county which are the result of arrests made by officers of the Alabama Department of Public Safety, which arrests occur within said county.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF SUMTER

Before me, the undersigned authority in and for said County in said State, this day personally appeared John S. Neel, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Home-Record, a newspaper of general circulation published in Sumter County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 9, April 16, April 23, and April 30, all in the year 1975.

JOHN S. NEEL.

Sworn to and subscribed before me May 5, 1975.

SANDRA L. BONDS,

Notary Public State of Alabama at-Large.

By Messrs. Campbell, Clark, Owens, Lockett, Pegues, Manley and Carter:

H. 119. To amend Code of Alabama 1940, Title 8, Sections 92 and 93 relative to maximum penalties for hunting on the property of another without permission.

Conservation.

By Messrs. Falkenburg, Porter, Jolly, Hilliard, Hopping, Waggoner, Biddle, McNees and Gafford:

H. 120. To allow licensed pharmacists to advertise the retail sales price of prescription drugs, and to sell said drugs for any price they desire.

Health.

By Messrs. Falkenburg, Hall, Armstrong, Hilliard, Howard, Hopping, Boles, Waggoner, Biddle and Gafford (With Notice and Proof):

H. 121. To provide for the appointment, duties and Compensation of Twenty-one Deputy District Attorneys in the Tenth Judicial Circuit of Alabama, Birmingham Division.

Local Legislation No. 2.

Notice and Proof H. 121:

Notice is hereby given of intention to apply in any Special Session or Regular Session of the 1975 Legislature of Alabama for the adoption of an Act which will be substantially as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the appointment, duties and Compensation of Twenty-one Deputy District Attorneys in the Tenth Judicial Circuit of Alabama, Birmingham Division, Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. In the Tenth Judicial Circuit of Alabama, Birmingham Division, Jefferson County, Alabama, the District Attorney of said circuit shall be authorized to appoint Twenty-one Deputy District Attorneys. Such Deputy District Attorneys appointed pursuant to this act shall be qualified to practice law in the Courts of this State, shall serve at the pleasure of the appointing District Attorney. Such Deputy District Attorneys shall be state officers and shall perform such duties in the Circuit as the District Attorney may require.

Section 2. The District Attorney shall be authorized to designate one Deputy District Attorney to serve as Chief Deputy District Attorney, five Deputy District Attorneys to serve as Level #1 Deputy District Attorneys, five Deputy District Attorneys to serve as Level #2 Deputy District Attorneys, five Deputy District Attorneys to serve as Level #3 Deputy District Attorneys.

Section 3. The total annual compensation to be received by each Deputy District Attorney shall be computed by the use of levels and steps. Levels shall refer to the amount of legal experience which such Deputy District Attorney had at the time that he is appointed to such office. It is intended to entitle an attorney with applicable legal experience to commence such office at a higher rate of pay than one who has less applicable legal experience. Steps shall refer to the amount of time that such Deputy District Attorney has served in the office as such Deputy District Attorney or the length of time that such officer shall continue. It is intended by this provision to allow periodic increases to pay as incentive for such officer to continue to serve in such office.

Section 4. The annual compensation to be paid the Chief Deputy District Attorney, each of the five (5) Deputy District Attorneys designated as Level #1 Deputy District Attorneys, each of the five (5) Deputy District Attorneys designated as Level #2 Deputy District Attorneys, each of the five (5) Deputy District Attorneys designated as Level #3 Deputy District Attorneys shall be as provided in the Schedule of Salaries hereinbelow set out. Of the total annual Compensation to be paid each of the aforementioned Sixteen (16) Deputy District Attorneys each shall be paid an annual salary by the state of Alabama of (\$7000.00), payable from the general funds of the state in equal installments as the salaries of other state officers are paid. The remainder of the annual Compensation as provided in the schedule of Salaries hereinbelow set out, of each of the aforementioned Sixteen (16) Deputy District Attorneys shall be paid by Jefferson County which sum shall be paid from the general funds of said County, in equal bi-weekly installments as the salaries of other County officers are paid.

Section 5. The Deputy District Attorneys appointed by the District Attorney to serve as Level #1, Level #2 and Level #3 Deputy District Attorneys shall be Compensated at the rate of beginning Salaries as set

out in the Schedule of Salaries hereinbelow set out. Thereafter, increases in Compensation for each such Deputy District Attorney in Level #1, Level #2 and Level #3 shall be made annually at the rate of one step increments within the grade scale set out in the schedule of salaries hereinbelow, provided the performance of such Deputy District Attorney has been satisfactory to the District Attorney.

Section 6. The schedule of salaries hereinabove referred to, consisting of levels and steps shall be as follows:

Attorneys	Step 1 Beginning Salary	Step 2 1 Year	Step 3 2 Years	Step 4 3 Years	Step 5 4 Years	Step 6 5 Years
Chief (1)	\$28,000	\$28,000	\$29,800	\$30,700	\$31,600	\$32,500
Level #1 (5)	23,500	24,400	25,300	26,200	27,100	28,000
Level #2 (5)	19,000	19,900	20,800	21,700	22,600	23,500
Level #3 (5)	14,500	15,400	16,300	17,200	18,100	19,000

Section 7. The District Attorney of said Circuit shall be authorized to designate three (3) Deputy District Attorneys to serve in any inferior Criminal Court, County Criminal Court or County Misdemeanor Court now or hereafter created. One (1) Deputy District Attorney shall serve as a Level #1 Deputy District Attorney, one (1) Deputy District Attorney shall serve as a Level #2 Deputy District Attorney, and one (1) Deputy District Attorney shall serve as a Level #3 Deputy District Attorney.

Section 8. The annual compensation to be paid the three (3) Deputy District Attorneys designated to serve in any inferior Criminal Court, County Criminal Court or County Misdemeanor Court now or hereafter created shall be as provided in the schedule of salaries hereinabove mentioned and as set out in Section 3 above. Total annual compensation for each of the said three (3) Deputy District Attorneys shall be paid by Jefferson County, which compensation shall be paid from the general funds of said county in equal bi-weekly installments as the salaries of other county officers are paid.

Section 9. The District Attorney of said Circuit shall be authorized to designate two (2) Deputy District Attorneys to serve in any Juvenile Court or Family Court of said Circuit. One (1) Deputy District Attorney shall serve as a Level #2 Deputy District Attorney and one (1) Deputy District Attorney shall serve as a Level #3 Deputy District Attorney.

Section 10. The annual compensation to be paid the two (2) Deputy District Attorneys designated to serve in any Juvenile Court or Family Court of said Circuit shall be as provided in the schedule of salaries hereinabove mentioned and as set out in Section 3 above. The total annual compensation for each of the said (2) Deputy District Attorneys shall be paid by Jefferson County which compensation shall be paid from the general funds of said county in equal bi-weekly installments as the salaries of other county officers are paid.

Section 11. The compensation provided herein shall become effective upon the effective date of this act as provided, however, the county governing body of Jefferson County shall be and is hereby authorized to increase the compensation payable by Jefferson County as provided in the said schedule of salaries at any time by resolution of said governing body. Upon passage of such resolution such additional compensation shall be paid from the general funds of said county in equal bi-weekly installments as the salaries of other county officers are paid.

Section 12. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declarations shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this act are hereby repealed.

Section 14. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared ELEANOR ABERCROMBIE FOSTER who, by me duly sworn, deposes and says that she is the PUBLISHER OF ALABAMA MESSENGER, (formerly the Alabama Legal Advertiser and the Birmingham Messenger), a weekly newspaper of GENERAL CIRCULATION, PUBLISHED and PRINTED in Jefferson County, Alabama, and which has been in CONTINUOUS WEEKLY PUBLICATION SINCE 1918, And that there was published in said newspaper in the issues of March 1, 8, 15, 22, 1975, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER,
Publisher.

Sworn and subscribed to on this the 24th day of March, 1975.

KAREN W. ABERCROMBIE,
Notary Public.

By Messrs. Falkenburg, Porter, Hall, Jolly, Armstrong, Hilliard, Hop-
ping, Waggoner, Biddle, McNees, Gafford, Smith (B) and Burgess:

H. 122. Further amending Code of Alabama 1940, Title 22, Section 40, 42 relating to Vital Statistics, providing for equitable fees for service in county registration districts and state registration district in conformity with surrounding states.

Ways and Means.

By Mr. Gafford:

H. 123. To amend the title and Section 1 of Act No. 302, S. 394, approved August 27, 1915 (Acts 1915, p. 322), creating an election commission for certain cities classified on a population basis, and to provide further for the composition of such commission.

Local Legislation No. 2.

By Messrs. Mitchem, Owens, Lee, Smith (C), Kinsey, White, Kelley,
Brindley and Morris:

H. 124. To provide protection to policyholders and beneficiaries of insolvent insurers in receivership by establishing a priority of certain claims to be allowed by receivership courts so as to make policyholders and beneficiaries of such insurers preferred creditors; and to make further provision for protection of policyholders by authorizing receivers of such insurers to transfer to solvent insurers certain assets of receivership estates as consideration or as reserves for reinsurance of

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policies of insolvent insurers upon hearing and approval of the appropriate circuit court having jurisdiction of such case or cases; and to provide for priorities of claims among classes of policyholders and beneficiaries; and to relieve the receiver of any civil liability to creditors for acts performed pursuant to such court orders.

Insurance.

By Messrs. Mitchem, Sandusky, Smith (M), Teague, Smith (C), Carothers, Smith (J), Kelley, Owens, Manley, Rich, Weeks and Dial:

H. 125. To prohibit state government, any of its political subdivisions or any agencies thereof from purchasing, with public funds, any beef that is not produced within the United States.

Agriculture.

By Messrs. Turnham, Merrill, Quarles, Mitchem, Albright, Reed (T), Holmes, Callahan, Starkey, Harrison, Higginbotham, Riddick, Smith (M), Baker, Crawford, Smith (J), Sandusky, Cates, Lewis, Whatley, Teague, Drake, Sparks, Weeks, Ford, Greer, Warren, McCulley, Malone, Kennedy, Sonnier, Harris, Brindley, McNees, Glass, Cooper, Johnstone, Shelton, Carter, Gregg, Lutz, McNair, Falkenburg, Andrews, Hilliard, Howard, Hopping, Robertson, Tucker, Hines, Rich, Taylor, Hill, Kinsey, McMillan, Holley and LeFlore:

H. 126. To direct the state department of education to establish and maintain public kindergarten programs as an integral part of the public schools in Alabama; and to continue the eight kindergarten pilot programs heretofore established.

Education.

By Messrs. Turnham, Baker, Wyatt, LeFlore and Cooper:

H. 127. To provide that any bona fide citizen of the state who is over 65 years of age shall be exempt from paying any tuition at any state supported institution of higher learning.

Ways and Means.

By Messrs. Mitchem, Owens, Lee, Smith (C), Kinsey, Kelley, White, Brindley, Manley and Weeks:

H. 128. To allow the Commissioner of Insurance to place an insurance company under an order of supervision; setting forth certain prohibited acts while under supervision.

Insurance.

By Messrs. Turnham and Callahan:

H. 129. To provide for the licensing of speech pathologists and audiologists; to establish an Alabama Board of Examiners for Speech Pathology and Audiology; to define the powers and duties of such board; to prescribe licensing standards, procedures, and fees; to provide a penalty for violation of this Act; and to repeal conflicting laws.

Health.

By Mr. Ford:

H. 130. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to provide that any city or county school board may, upon recommendation of the superintendent, make temporary loans not to exceed a total of \$750,000.00 in anticipation of revenue derived

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from privilege or license taxes upon the sale of malt or brewed beverages, provided that any amount borrowed must be used for capital outlay purposes; providing for renewals of such loans in certain circumstances; and providing for the issuance, registration, payment, cancellation, and exemption from taxation of certificates relating to revenue pledged for the payment of such loans.

Local Legislation No. 1.

By Messrs. Brindley, Mitchem and Kelley (With Notice and Proof):

H. 131. To alter, rearrange and extend the boundary lines and corporate limits of cities having a population of not less than 5,550 nor more than 5,700 inhabitants that lie within counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census.

Local Legislation No. 1.

Notice and Proof H. 131:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of cities having a population of not less than 5,550 nor more than 5,700 inhabitants that lie within counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of cities having a population of not less than 5,550 nor more than 5,700 inhabitants that lie within counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census, are hereby altered, rearranged and extended so as to include within the corporate limits of said city, in addition to the lands now included therein, all of the following territory, to wit:

The southwest quarter of the southwest quarter and the southeast quarter of the southwest quarter of section 25, township 9 south, range 4 east.

Also, tracts 5, 6, 7, 9, 12, and 13 of Rolling Acres Subdivision as recorded in the Probate Office, Marshall County, Alabama in Plat Book 6, page 12.

Also, one acre, more or less, described as follows: Commencing at the southwest corner of the northwest quarter of section 25, township 9 south, range 4 east, thence north 2 degrees, 36 minutes west along the quarter line to Weaver Avenue, thence south 88 degrees, 55 minutes east along said Weaver Avenue 236.5 feet for a point of beginning, thence continue south 88 degrees, 55 minutes east along said Weaver Avenue 232.0 feet, thence south 1 degree, 05 minutes west, 297.4 feet, thence south 87 degrees, 46 minutes west, 58.8 feet to the east side of the L & N Railroad right-of-way, thence along said railroad right-of-way

north 29 degrees, 02 minutes west, 346.9 feet to the point of beginning and being a portion of the northwest quarter of the northwest quarter and also a portion of the southwest quarter of the northwest quarter all in section 25, township 9 south, range 4 east.

Also, lots 1, 2, 3, 4, 6, 7, 8, 11, 12, 13, 14, 15, and 16 in Block A of the Rolling Acres Subdivision as recorded in Plat Book 6, page 12 in the Probate Office, Marshall County, Alabama.

Also, lots 1 through 43 inclusive in Block B of the Rolling Acres Subdivision as recorded in Plat Book 6, page 12 in the Probate Office of Marshall County, Alabama.

Also, lots 1 through 25 inclusive in Block C, also lots 32, 33, 34, 35, and 36 in Block C of the Rolling Acres Subdivision as recorded in Plat Book 6, page 12 in the Probate Office, Marshall County, Alabama.

Also, lots 1, 2, 3, and 4 in Block D in Rolling Acres Subdivision as recorded in Plat Book 6, page 12 in the Probate Office, Marshall County, Alabama.

Also, a parcel of land in section 25, township 9 south, range 4 east described as follows: Beginning at the northwest corner of tract no. 11 of Rolling Acres Subdivision, thence north 17 degrees, 57 minutes west, 260 feet to the north boundary line of Section 25, township 9 south, range 4 east, and also the northeast corner of tract no. 9 of Rolling Acres Subdivision, thence in an easterly direction along the north boundary line of said section 25 a distance of 518 feet, more or less, to the northwest corner of tract no. 12 of Rollings Acres Subdivision, thence south 4 degrees, 47 minutes east, 246.6 feet to the northeast corner of tract no. 11 of Rolling Acres Subdivision, thence north 80 degrees, 58 minutes west along said tract 11 451.9 feet to the point of beginning.

These descriptions are intended to include all lands, streets and roads in section 25, township 9 south, range 4 east that are not already within the corporate limits of the city of Boaz, Marshall County, Alabama.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared David Barrett, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Managing Editor of the Monitor News Leader, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 3, April 10, April 17, and April 24, all in the year 1975.

DAVID BARRETT.

Sworn to and subscribed before me April 28, 1975.

EARL B. ROBINSON,
Notary Public.

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By Messrs. Brindley and Jolly (With Notice and Proof):

H. 132. Relating to Blount County; to provide further for the costs and charges in criminal cases in any court of the county.

Local Legislation No. 1.

Notice and Proof H. 132:

STATE OF ALABAMA
COUNTY OF BLOUNT

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Blount County; to provide further for the costs and charges in criminal cases in any court of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other costs and charges in criminal cases in any court of the county a fee of \$2.00 shall be charged and collected by the clerk of any such courts. The monies derived from the charges hereinabove prescribed shall be remitted to a juvenile probation fund in the county treasury to be used to finance a juvenile probation office. The county governing body is hereby authorized to make expenditures from said fund to carry out the provisions and purposes of this act.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BLOUNT

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. Rice M. Howard, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was publisher of the Southern Democrat, a newspaper of general circulation published in Blount County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 3, April 10, April 17, and April 24, all in the year 1975.

MRS. R. M. HOWARD.

Sworn to and subscribed before me April 24, 1975.

JANE HILL,
Notary Public.

By Messrs. Andrews, Biddle, Porter, Boles, Hall, Armstrong, Jolly, Waggoner, Falkenburg, Howard, Hopping, Moore (O), Trammell, Leonard and Gafford (With Notice and Proof):

H. 133. To amend Section 6 of Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 en-

titled "AN ACT TO PROVIDE A SEPARATE RETIREMENT AND RELIEF SYSTEM FOR CERTAIN OF THE PRESENTLY ACTIVE EMPLOYEES OF THE CITY OF BIRMINGHAM WHO ENTERED THE SERVICE OF THE POLICE DEPARTMENT OF SAID CITY PRIOR TO SEPTEMBER 19, 1939, AND TO WHOM IS APPLICABLE THE PENSION AND RELIEF SYSTEM PROVIDED BY ACT NO. 502 OF THE REGULAR SESSION OF THE LEGISLATURE OF 1923, AS REENACTED AND AMENDED: TO INCLUDE IN SAID SEPARATE SYSTEM DEPENDENTS OF SAID PRESENTLY ACTIVE EMPLOYEES; AND TO RENDER SAID ACT NO. 502 INAPPLICABLE TO SAID CERTAIN PRESENTLY ACTIVE EMPLOYEES AND THEIR DEPENDENTS:"

Local Legislation No. 2.

Notice and Proof H. 133:

Notice is hereby given of intention to apply at any Special or Regular Session of the Legislature of Alabama held during the year 1975 for the adoption of an Act which will be substantially as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 6 of Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 entitled "AN ACT TO PROVIDE A SEPARATE RETIREMENT AND RELIEF SYSTEM FOR CERTAIN OF THE PRESENTLY ACTIVE EMPLOYEES OF THE CITY OF BIRMINGHAM WHO ENTERED THE SERVICE OF THE POLICE DEPARTMENT OF SAID CITY PRIOR TO SEPTEMBER 19, 1939, AND TO WHOM IS APPLICABLE THE PENSION AND RELIEF SYSTEM PROVIDED BY ACT NO. 502 OF THE REGULAR SESSION OF THE LEGISLATURE OF 1923, AS REENACTED AND AMENDED: TO INCLUDE IN SAID SEPARATE SYSTEM DEPENDENTS OF SAID PRESENTLY ACTIVE EMPLOYEES; AND TO RENDER SAID ACT NO. 502 INAPPLICABLE TO SAID CERTAIN PRESENTLY ACTIVE EMPLOYEES AND THEIR DEPENDENTS:"

Be It Enacted by the Legislature of Alabama:

SECTION 1. That Section 6 of Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, as heretofore amended, to be and the same is hereby further amended to read as follows:

SECTION 6. Retirement Allowances—(a) Any member of the system who shall have now or hereafter accumulated twenty-five or more years of creditable time shall be entitled to voluntarily retire from the service and obtain a retirement allowance, and if, being so entitled to voluntarily retire and obtain a retirement allowance he should voluntarily retire, or be involuntarily retired from the service, he shall be entitled to a monthly retirement allowance from the treasury as hereinafter in this subsection (a) of this section specified. The monthly amount which shall be allowed any member of the system who shall be entitled to a retirement allowance under this subsection of this section shall be two percentum (2%) of his final average salary multiplied by such number of years of his creditable time as shall not exceed thirty-five years of his creditable time, but in no event shall such monthly retirement allowance exceed seventy percent (70%) of his final average salary. The amount of any retirement allowance under this subsection of this section shall commence to accrue at date of retirement. (b) The Board may treat the end of the payroll period next before actual date of retirement of a member of the system as the date of his retirement for purposes of computation, and for such purposes may disregard a

fraction of a year of creditable time less than one-fourth ($\frac{1}{4}$ th). (c) Subject to the provisions of subsection (d) of this section, the amount of any retirement allowance which may have commenced to accrue in accordance with the provisions of this act shall continue to accrue throughout the life of such person. (d) In the event of the death of any retired beneficiary in whose favor a monthly retirement allowance is accruing, or in the event of the death of any employee member entitled prior to his death to voluntarily retire and obtain a retirement allowance under subsection (a) of this Section 6, his spouse and child, or children, shall be entitled to a monthly allowance in the amount hereinafter specified in this subsection (d), and such spouse shall be entitled to said monthly allowance, without regard to the time during which the marriage lasted. No benefit shall be payable under this subsection (d) to a married child, or to a child over eighteen (18) years of age unless he is attending school, or to any child over twenty-one (21) years of age. A child shall be deemed to be attending school during his vacation between school terms, provided he attended school during the next preceding term and expects to return to school when the next term commences. The benefit payable under this subsection (d) shall be an amount equal to forty five per centum (45%) of the retirement allowance the deceased employee was receiving when he died, or forty five per centum (45%) of the monthly retirement allowance he would have been entitled to receive had he retired immediately before his death. Such benefit shall be payable to the deceased employee's spouse, or child or children, in the following order: (1) to the spouse, and (2) if there is no surviving spouse, then to the child or children of the deceased employee, if any, according to the conditions prescribed. If two or more children are simultaneously entitled to receive the benefit, it shall be divided equally among the children so entitled. In such case the monthly allowance provided hereby for any child of such deceased employee shall be payable to the legal guardian, or to the person who has custody of said child, for the use and benefit of said child provided, however, if such child may legally accept payment of such allowance, it shall be paid to him. (e) The amount of a surviving sponse's allowance, provided for in (d) above, shall commence to accrue at the death of the deceased spouse and shall continue to accrue until the surviving spouse's death. (f) The rights of any person heretofore or hereafter retired from the service shall continue to be measured and governed by the terms of the system in effect at the time of such retirement, and should such person die during continuance of such retirement the rights of the sponse and dependents of such deceased retired person and the rights of the spouse and dependents of any other deceased person, shall be measured and governed by the terms of the system in effect at the time of the death of such deceased person and the foregoing provisions of this subsection (f) shall control over anything heretofore or hereafter in the system which may be construed to the contrary.

SECTION 2. The provisions of this Amendatory Act are severable. If any part of the Act is declared invalid, unconstitutional or improperly included therein, such declaration shall not affect the part or parts which remain.

SECTION 3. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared ELEANOR ABERCROMBIE FOSTER

who, by me duly sworn, deposes and says that she is the PUBLISHER OF ALABAMA MESSENGER, (formerly the Alabama Legal Advertiser and the Birmingham Messenger), a weekly newspaper of GENERAL CIRCULATION, PUBLISHED and PRINTED in Jefferson County, Alabama, and which has been in CONTINUOUS WEEKLY PUBLICATION SINCE 1918, And that there was published in said newspaper in the issues of February 8, 15, 22, March 1, 1975, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER.

Sworn and subscribed to on this the 3rd day of March, 1975.

KAREN W. ABERCROMBIE,

Notary Public.

By Messrs. Riddick, Greer, Smith (B), Lutz, Gregg, Merrill and White:

H. 134. To exempt from state income taxes any rebate on taxes paid during the year 1974 that is received during the calendar year 1975.

Ways and Means.

By Mrs. Quarles:

H. 135. To promote in this state the use and return of uniform reusable containers by establishing designated classes of such containers, by requiring certain refund values of such containers and the indication of the refund value upon such containers; to prohibit the sale of metal containers with detachable opening devices, and for penalties for violation of certain sections; to provide for the establishment of redemption centers for the return of empty containers and for the regulation of the redemption centers by the Alcoholic Beverage Control Board; and to provide that the Senate Finance and Taxation and House Ways and Means Committees cause to be conducted a study of the economic impact, problems, effectiveness, and costs incurred by the passage of this Act.

State Administration.

By Mrs. Quarles:

H. 136. Providing that it is unlawful for any person falsely to hold himself out to be a state, city, county or federal law enforcement officer, criminal justice officer or peace officer. Providing that it shall be lawful for private security guards, watchmen and private investigators to wear or possess a distinctive uniform in the performance of their duties provided they may be identified as such by their uniform. Providing for penalties for violations.

Judiciary.

By Messrs. Lutz and Lewis:

H. 137. Relating to the licensing of embalmers, extending the powers and duties of the board of embalming, further regulating fees and prescribing additional standards, duties and penalties for licensees, for such purpose as amending Code of Alabama 1940, Title 46, Sections 124, 126, 127 and 128.

State Administration.

By Messrs. Lutz and Gregg:

H. 138. To prohibit any state, county or municipal agency from establishing a minimum retail price on milk.

State Administration.

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By Mr. Lutz:

H. 139. Relating to liability for personal injury, death or property damage proximately caused by the negligence or wanton misconduct of servants, agents or employees of cities and towns where such cities and towns are insured against tort liability.

Judiciary.

By Mr. Lutz:

H. 140. To amend further Section 388 of Title 51, Code of Alabama, 1940, which relates to exemptions from the State income tax on individuals.

Ways and Means.

By Mr. Lutz:

H. 141. Providing that committees of dentists appointed or formed as Utilization Review and Quality Control Committees, Peer Review Committees and Professional Standards Review Committees shall not be deemed liable in damages for actions taken or recommendations made when acting in good faith on facts reasonably known to exist.

Health.

By Mr. Lutz:

H. 142. To authorize and provide for minute entries in misdemeanor cases appealed from a city recorder's court, county court, mayor's court, police court or any municipal court, to the circuit courts or any other courts of record in Alabama.

Judiciary.

By Mr. Lutz:

H. 143. To provide for privileged communications with clergymen.

Judiciary.

By Messrs. Lutz and Gregg:

H. 144. To amend further Section 114, Title 22, Code of Alabama 1940, which relates to protection of the public against rabies.

Health.

By Mr. Lutz:

H. 145. Relating to litigation against insurance companies founded upon insurance policies; requiring the inclusion of a provision in each insurance policy hereafter issued that the insurer will pay a reasonable sum as fees for compensation for attorneys prosecuting the cause in any judgment rendered against the insurer and in favor of the beneficiary or insured; to provide certain limitations on the application of this act.

Judiciary.

By Messrs. Lutz and Gregg:

H. 146. Providing further for the conservation of the natural resources of the State; designating the caves and caverns of the State and the flora, fauna, mineral formations and deposits therein and other contents thereof as natural resources, worthy of preservation, protection and development for scenic, scientific business and commercial purposes; regulating through licensure the use of such caves and their con-

tents for business and commercial purposes; protecting the rights of property owners and the general public in caves; requiring cave owners to install and keep in repair certain equipment and abide by safety regulations, prescribed by the director of public safety, when caves are opened to the public; to provide for safety inspections of caves; to establish the State Speleological Committee; to provide for the dissemination of information about Alabama caves to the owners thereof and to the public; to designate certain acts relative to caves and their contents as criminal offenses and to prescribe penalties therefor.

Conservation.

By Messrs. Lutz, Riddick and Killian:

H. 147. To regulate massage parlors within the State of Alabama; to make legislative findings concerning the operation of massage parlors within the State, and concerning the difficulty encountered by law enforcement officers in the enforcement of the law in connection with massage parlors; to define terms; to require a license from the State Board of Health for the operation of any said business within the State; to provide health and sanitary requirements for the operation of massage parlors; to provide standards for cleanliness in connection with the massage parlors; to prohibit the use of any massage parlor as a dormitory; to prohibit massages by any licensee except upon licensed premises; to prohibit massages behind closed doors; to require health examinations for persons to administer massages; to require that massage parlor premises shall be open to the public and to law enforcement officers during the rendering of any service in connection with same; to provide for automatic termination of a massage parlor license upon final conviction of certain offenses by any owner, manager, or supervisor of a massage parlor; to prohibit any physical contact by a person of the opposite sex in connection with a massage at a massage parlor, bath parlor, or any similar type business; to prohibit massaging, or in any way touching, the genital organs of another in any way with a massage or other service rendered by a massage parlor; to prohibit any person from advertising or offering any massage or physical touching of the genital organs of another in connection with a massage; to provide for the revocation of massage parlor licenses by the State Health Officer after notice and hearing; to provide penalties for the violation of this act; to provide severability for the various sections, paragraphs, sentences, clauses and phrases of this act; and to provide that the act shall become effective immediately upon its passage and approval, or upon its otherwise becoming a law.

Health.

By Mr. Lutz:

H. 148. To create and establish a fund to pay a yearly benefit to the widow of any justice or judge who died prior to the enactment of Act 1163 (H. 1829), 1973 Legislature of Alabama, approved August 23, 1973, to provide that said yearly benefit shall be payable in monthly installments; to provide appropriations to carry out the provisions of this Act.

Ways and Means.

By Messrs. Lutz, Harris, Manley, Campbell, Clark, Armstrong, Jackson (R), Johnstone, Kennedy and Killian:

H. 149. To amend Title 13, Chapter 7; to raise the age of juveniles to 18, for the purpose of juvenile court proceedings.

Judiciary.

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By Mr. Lutz:

H. 150. To amend Code of Alabama of 1940, Title 13, Section 262 relative to disposition of court reporter's notes and exhibits in his custody.

Judiciary.

By Mr. Lutz:

H. 151. To further amend Section 123, Title 7, Code of Alabama 1940, as amended, which section relates to actions for wrongful death, so as to further regulate the actions for wrongful death which may be brought by the personal representative of the decedent.

Judiciary.

By Mr. Lutz:

H. 152. Giving protection to innocent purchasers for value of land, providing for the duties of judges of probate and tax assessors in connection therewith, fixing the fees to be charged for the recording and indexing of certain instruments, further limiting the duration of notice of recorded mortgages as provided for by Sections 174 and 175, of Title 47 of the Alabama Code of 1940, and Act No. 221, Acts of Alabama, Regular Session, 1969, and providing a penalty for recording notices of claim maliciously and without probable cause.

Judiciary.

By Mr. Lutz:

H. 153. To provide for a system of self-indexing of all land transfer instruments recorded in probate offices in counties having a population not in excess of 300,000 persons according to the last or any subsequent Decennial Federal Census.

Judiciary.

By Mr. Lutz:

H. 154. Amending Section 276, of Title 51, of the Alabama Code of 1940, relating to the content of tax sale deeds, to alter the interest conveyed by certain tax sale deeds, and to provide for the duties imposed upon and the remedies available to the several parties.

Judiciary.

By Mr. Lutz:

H. 155. Limiting the assertion of inchoate dower.

Judiciary.

By Mr. Lutz:

H. 156. To provide for the recording and indexing of sales to foreclose liens for unpaid municipal ad valorem taxes and improvement assessments against land.

Judiciary.

By Mr. Lutz:

H. 157. To amend Section 262, of Title 51, Alabama Code of 1940, relating to the sale of land for ad valorem taxes to make further provision for the recording and indexing of tax sales and deeds given in confirmation thereof and to provide for the duties of the judge of probate and the tax collector.

Judiciary.

By Messrs. Lutz, Riddick, Smith (B), Gregg, Moore (W) and Albright
(With Notice and Proof):

H. 158. Providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations in Madison County.

Ways and Means.

Notice and Proof H. 158:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations in Madison County.

Be It Enacted by the Legislature of Alabama:

Section 1. One-half of all fines and forfeitures hereafter paid by persons convicted in courts of competent jurisdiction in Madison County, where arrests are made by a state officer for violations of the rules of the road, or laws of this state relating to or regulating traffic or operation of motor vehicles upon the highways of this state, shall be paid into the general funds of Madison County and the remainder shall be remitted by the proper authority to the state treasurer who shall credit the same to the proper fund in the state treasury.

Section 2. All laws and parts of laws in conflict with this act whether general, local or special are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MADISON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Lorene L. Haire, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Madison County Record, a newspaper of general circulation published in Madison County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 4/9/75, 4/16/75, 4/23/75, and 4/30/75, all in the year 1975.

LORENE L. HAIRE.

Sworn to and subscribed before me May 5, 1975.

MARY RUTH RAINEY,
Notary Public.

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By Messrs. Lutz, Riddick, Smith (B), Gregg, Moore (W), Albright
(With Notice and Proof):

H. 159. Relating to Madison County, to set standards for judicial officers in said county for the pre-trial release of those persons accused of crimes, and to establish penalties for failure to appear or for violation of release conditions.

Local Legislation No. 4.

Notice and Proof H. 159:

STATE OF ALABAMA
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Madison County, to set standards for judicial officers in said county for the pre-trial release of those persons accused of crimes, and to establish penalties for failure to appear or for violation of release conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Intent. It is the intent of the legislature that this act shall be a guide to judicial officers in Madison County, as defined herein, to insure that no person be needlessly detained in said county because of his personal economic circumstances so long as his release shall not be contrary to the public interest and also shall serve the purpose of assuring the defendant's presence at the trial. It is not the intent of the legislature that this act be so liberally construed as to allow the indiscriminate release of accused person.

Section 2. Definitions. As used in this act, the term "judicial officer" means, unless otherwise indicated, any circuit judge or equivalent thereof in the Twenty-Third Judicial Circuit, any probate judge in Madison County, any county court judge or judge of any other court created in lieu thereof, or city recorder or equivalent thereof in Madison County. The term "judicial officer" shall not include the person occupying the office of warrant magistrate.

Section 3. (a) Any person in Madison County charged with an offense, may, at his appearance before a judicial officer, be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer, unless the judicial officer determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required. When such determination is made, the judicial officer shall, either in lieu of or in addition to the above methods of release, impose the first of the following conditions of release which will reasonably assure the appearance of the person for trial or, if no single condition gives that assurance, any combination of the following conditions:

(1) place the person in the custody of a designated person agreeing to supervise him;

(2) place restrictions on the travel, association, or place of abode of the person during the period of release;

(3) require the execution of an appearance bond in a specified amount and the deposit with the clerk of the court, in cash or other security as directed, of a sum not to exceed 10 per cent of the amount of the bond, 90 per cent of such deposit to be returned upon the performance of the conditions of release;

(4) require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof; or

(5) impose any additional condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours.

(b) In determining which conditions of release will reasonably assure the appearance of a person as required, the judicial officer shall, on the basis of available information as presented by the state or its representative, or the defendant, take into account such matters as the nature and circumstances of the offense charged, the weight of the evidence against the person, his family ties, employment, financial resources, character and mental condition, past conduct, length of residence in the community, record of convictions, and any record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings. The judicial officer shall, in making such factual determinations, bear in mind that this act has two purposes, one of which is to assure the presence of the defendant at trial and the other of which is to assure that all persons, regardless of their financial or social status, shall not needlessly be detained pending their appearance to answer charges, or pending appeal, when detention serves neither the ends of justice nor, the public interest.

(c) A judicial officer authorizing the release of a person under this section shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform such person of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest will be issued immediately upon any such violation, and shall warn such person of the penalties provided in Section 4.

(d) A judicial officer ordering the release of a person on any condition specified in this section may at any time amend his order to impose additional or different conditions of release.

(e) If it is determined that custody or detention pursuant to Section 3 (a) (5) is required, all time spent in custody or detention shall count as part of any sentence to hard labor for the county or confinement in the county jail subsequently received by the person detained as a result of the charge or charges for which he was arrested and detained.

(f) The judicial officer shall determine the conditions of release as herein provided when the defendant is brought before him for preliminary examination or at such other time as the judicial officer may direct.

Section 4. (a) Whoever, having been released pursuant to this act, willfully fails to appear before any court or judicial officer as required, shall incur a forfeiture of any security which was given or pledged for his release, and, in addition, shall be guilty of a misdemeanor.

(b) Failure to appear after notice of the appearance date shall be prima facie evidence that the failure to appear is willful. Whether the person was warned when released of the penalties for failure to appear shall be a factor in determining whether the failure to appear was willful.

(c) This section applies to a defendant even if he has not received actual notice of the appearance date if (1) reasonable efforts to notify the defendants have been made, and (2) the defendant, by his own actions, has frustrated the receipt of actual notice.

Section 5. (a) A person who has been conditionally released pursuant to Section 3 and who has violated a condition of release shall be subject to revocation of release and to prosecution for contempt to court.

(b) Proceedings for revocation of release may be initiated on motion of the district attorney. A warrant for the arrest of a person charged with violating a condition for release may be issued by any officer authorized to issue warrants and the person shall be brought before a judicial officer in the county. No order of revocation shall be entered unless, after a hearing, the judicial officer finds that there is clear and convincing evidence that the person has violated a condition of his release due to inattention, negligence, or by act of will.

(c) Contempt sanctions may be imposed if, upon a hearing and in accordance with procedures applicable to criminal contempt, it is established that the person has violated a condition of his release. The contempt proceedings shall be expedited and heard by the court without a jury. A person found guilty of contempt for violation of a condition of release shall be imprisoned for not more than six months, or fined not more than \$1,000, or both.

Section 6. (a) A person who has been conditionally released pursuant to Section 3 and as to whom there is probable cause to believe he has committed a felony while released shall be subject to revocation of release.

(b) Proceedings for revocation of release may be initiated on motion of the district attorney. No order of revocation shall be entered unless, after a hearing, the judicial officer finds by clear and convincing evidence that (1) a state or federal magistrate, judge, judicial officer, or grand jury has found probable cause to believe that the person has committed a felony and (2) such felony, was committed while the person was released on the prior charge.

Section 7. Any person engaged in the business of undertaking to act as surety on bail bonds in Madison County, or any servant, agent or employee of any person, firm or corporation engaged in the business of acting as surety on bail bonds in Madison County who shall pay a fee or rebate or give or promise to give anything of value including any stock or beneficial interest in a surety or bail bond company to a sheriff, deputy sheriff, policeman, peace officer, warrant magistrate, or any other person who has the power to arrest or to hold another person in custody, or to any public official or public employee in order to induce any such sheriff, policeman, peace officer, warrant magistrate, or other public official or employee, to favor any person, firm or corporation in any activities related to the bail bond business, including, but not limited to, the approval or disapproval of bail bonds, and access to any jail where prisoners are housed, shall be guilty of bribery and shall be punished as prescribed by Code of Alabama 1940, as amended, Title 14, Section 63.

Section 8. Any sheriff, deputy sheriff, policeman, peace officer, warrant magistrate, or any other person who has the power to arrest or to hold another person in custody, or any public official or employee, who receives a fee or rebate or receives or agrees to receive anything of value, including any stock or a beneficial interest in a surety or bail bond company, from any person engaged in the bail bond business, or

from any person acting as the servant, agent or employee of any person, firm, or corporation engaged in the bail bond business or otherwise engaged in the business of undertaking to act as surety on bail bonds, with an understanding, expressed or implied, that his actions, decisions or judgment will be influenced thereby or that he will favor any person, firm or corporation in the approval or disapproval of bail bonds or in granting access to any jail where prisoners are kept, shall be guilty of accepting a bribe and shall be punished as prescribed by Code of Alabama 1940, as amended, Title 14, Section 64.

Section 9. All forfeitures of cash or other security deposited with the clerk of any court, and all deposits otherwise retained pursuant to the provisions of Section 3(a) (3) and Section 4(a) of this act shall be paid over to the Madison County Commission or other like governing body to be used to implement the provisions of this Act.

Section 10. Nothing in this act shall interfere with or prevent the exercise by any court of Alabama of its power to punish for contempt.

Section 11. For a period of two years next succeeding the effective date of this Act, the provisions of this Act shall apply only to indigent defendants, and during said two year period, no person shall be released pursuant to the provisions of this Act unless such person is first determined by a judicial officer, as herein defined, to be indigent.

Section 12. The procedures prescribed in this act shall be cumulative and in addition to all other bail and release procedures provided by law.

Section 13. The provisions of this act are severable, and if any part hereof is declared invalid or unconstitutional, such declaration shall not affect the remaining parts thereof.

Section 14. All laws or parts of laws which conflict with this act are repealed.

Section 15. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on April 10, 17, 24 and May 1, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 5 day of May, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

By Messrs. Lutz, Riddick, Smith (B), Gregg, Moore (W), and Albright
(With Notice and Proof):

H. 160. To amend Section 5 of Act No., 790, H. 1817, Regular Session 1973 (Acts 1973, p. 1203) establishing the office of Warrant

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Magistrate in Madison County so as to correct a reference to a certain Section of Title 15, Code of Alabama 1940.

Local Legislation No. 4.

Notice and Proof H. 160:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 5 of Act No. 790, H. 1817, Regular Session 1973 (Acts 1973, p. 1203) establishing the office of Warrant Magistrate in Madison County so as to correct a reference to a certain Section of Title 15, Code of Alabama 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 790, H. 1817, Regular Session 1973 (Acts 1973, p. 1203) is hereby amended to read as follows:

"Section 5. Duties. The duties of the warrant magistrate or any duly authorized assistant warrant magistrate shall be as follows:

"a. To take evidence and oaths in support of affidavits in criminal cases and to issue warrants of arrest thereon;

"b. To take evidence and affidavits in support of search warrants and to issue warrants in the manner prescribed by law at Title 15, Section 102, et seq, Code of Alabama 1940, as last amended;

"c. To set bonds for appearance in any criminal case;

"d. The powers and authority of the warrant magistrate or assistant warrant magistrates are supplemental and in addition to the powers and authorities of duly elected or appointed judges of Madison County, Alabama."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MADISON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Lorene Haire, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Editor of the Madison County Record, a newspaper of general circulation published in Madison County, Alabama, and that the attached notice was published in said newspaper once a week for four successive

weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 4/9/75, 4/16/75, 4/23/75, and 4/30/75, all in the year 1975.

LORENE L. HAIRE.

Sworn to and subscribed before me May 5, 1975.

MARY RUTH RAINEY,
Notary Public.

By Mr. Warren (With Notice and Proof):

H. 161. Relating to Conecuh County; to provide further for the distribution of any oil and gas severance tax paid to the governing body of Conecuh County.

Local Legislation No. 1.

Notice and Proof H. 161:

STATE OF ALABAMA
COUNTY OF CONECUH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Conecuh County; to provide further for the distribution of any oil and gas severance tax paid to the governing body of Conecuh County.

Be It Enacted by the Legislature of Alabama:

Section 1. Any of the proceeds of the oil and gas severance tax paid to Conecuh County under the provisions of Act No. 2, H. 47, Regular Session of 1945 (General Acts of 1945, p. 20), as amended, shall be disbursed as follows: Fifty percent shall be paid to the Board of Education of Conecuh County to be used for any public education purposes in the county and the remaining fifty percent shall be paid into the county general fund.

Section 2. The provisions of this Act shall become effective on the first day of the month next following the date that the provisions of this Act shall become law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CONECUH

Before me, the undersigned authority in and for said County in said State, this day personally appeared R. G. Bozeman, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Evergreen Courant, Inc., a newspaper of general circulation published in Conecuh County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having

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appeared in the issues of said paper on April 3, April 10, April 17, and April 24, all in the year 1975.

R. G. BOZEMAN, JR.

Sworn to and subscribed before me May 2, 1975.

HAROLD ADAMS,
Notary Public.

My Commission Expires April 5, 1977.

By Mr. Warren (With Notice and Proof):

H. 162. Relating to Conecuh County; to amend and re-enact Act No. 143, H. 536, Regular Session 1969 (Acts of 1969, p. 415), which act provides for a pistol fee in said county, so as to provide that all monies collected from said act shall be deposited in the county treasury and earmarked for law enforcement purposes.

Local Legislation No. 1.

Notice and Proof H. 162:

STATE OF ALABAMA
COUNTY OF CONECUH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Conecuh County; to amend and re-enact Act No. 143, H. 536, Regular Session 1969 (Acts of 1969, p. 415), which act provides for a pistol fee in said county, so as to provide that all monies collected from said act shall be deposited in the county treasury and earmarked for law enforcement purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Title and all Sections of Act No. 143, H. 536, of the Regular Session of 1969 (Acts of 1969, p. 415) are hereby amended and reenacted to read as follows:

"An Act Relating to Conecuh County; providing for the issuance of a pistol fee and a law enforcement fund in said county, and providing for the use of such fund.

"Section 1. In Conecuh County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in the Code of Alabama 1940, Title 14, Section 117 shall be five dollars, which shall be collected by the Sheriff.

"Section 2. All monies collected under Section 1 of this act shall be deposited by the sheriff into the county treasury, credited to a fund to be known as the law enforcement fund.

"Section 3. The law enforcement fund shall be used exclusively for law enforcement purposes and shall be disbursed to the Sheriff for such purposes upon the direction of the county governing body.

"Section 4. The establishment of the law enforcement fund provided in this act and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the Sheriff or the operation of his office.

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"Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

"Section 6. All laws or parts of laws which conflict with this act are repealed.

"Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CONECHU

Before me, the undersigned authority in and for said County in said State, this day personally appeared R. G. Bozeman, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Evergreen Courant, Inc., a newspaper of general circulation published in Conecuh County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 3, April 10, April 17, and April 24, all in the year 1975.

R. G. BOZEMAN, JR.

Sworn to and subscribed before me May 2, 1975.

HAROLD ADAMS,
Notary Public.

My Commission Expires April 5, 1977.

By Mr. Warren (With Notice and Proof):

H. 163. Relating to Conecuh County: Authorizing the sheriff to send, by first-class mail, notice of summons to persons selected to serve jury duty; and to notify, by first class-mail those persons selected to serve as election officers.

Local Legislation No. 1.

Notice and Proof H. 163:

STATE OF ALABAMA
COUNTY OF CONECHU

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Conecuh County: Authorizing the sheriff to send by first-class mail, notice of summons to persons selected to serve jury duty; and to notify, by first class-mail those persons selected to serve as election officers.

Be It Enacted by the Legislature of Alabama:

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Section 1. The sheriff of Conecuh County is hereby authorized to notify persons selected to serve as inspectors, clerks, or other officers of elections by mailing such notice to said persons by first-class mail, the provisions of Title 17, Section 121, Code of Alabama 1940, to the contrary notwithstanding.

Section 2. The sheriff of Conecuh County is hereby authorized to summon prospective jurors by mailing, by first-class mail, such notice to said persons, the provision of Title 30, Section 33, Code of Alabama, 1940, to the contrary, notwithstanding.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CONECUH

Before me, the undersigned authority in and for said County in said State, this day personally appeared R. G. Bozeman, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Evergreen Courant, Inc., a newspaper of general circulation published in Conecuh County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 3, April 10, April 17, and April 24, all in the year 1975.

R. G. BOZEMAN, JR.

Sworn to and subscribed before me May 2, 1975.

HAROLD ADAMS,
Notary Public.

My Commission Expires April 5, 1977.

By Mr. Warren (With Notice and Proof):

H. 164. Relating to Conecuh County, providing for the reimbursement of actual expenses of the members of the county board of education for their attendance at all authorized out-of-county meetings and conferences upon presentation of receipts by such members.

Local Legislation No. 1.

Notice and Proof H. 164:

STATE OF ALABAMA
COUNTY OF CONECUH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Conecuh county, providing for the reimbursement of actual expenses of the members of the county board of education for their attendance at all authorized out-of-county meetings and conferences upon presentation of receipts by such members.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the Conecuh County Board of Education shall be entitled, upon presentation of written receipts therefor, to reimbursements for all actual expenses incurred by said members by reason of their attendance at any authorized conference or meeting which is held outside of Conecuh County. This expense allowance shall be in addition to any existing allowance provided for such members, and shall be payable from any funds which are available to the Conecuh County Board of Education for such purposes.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CONECUH

Before me, the undersigned authority in and for said County in said State, this day personally appeared R. G. Bozeman, Jr., who being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Evergreen Courant, Inc., a newspaper of general circulation published in Conecuh County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Feb. 20, Feb. 27, March 6, and March 13, all in the year 1975.

R. G. BOZEMAN, JR.

Sworn to and subscribed before me 4 April, 1975.

HAROLD ADAMS,
Notary Public.

My Commission Expires April 5, 1977.

By Mr. Warren (With Notice and Proof):

H. 165. Relating to Conecuh County; providing for an increase in the pay of the members of the board of registrars and board of equalization.

Local Legislation No. 1.

Notice and Proof H. 165:

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STATE OF ALABAMA
COUNTY OF CONECUH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Conecuh County; providing for an increase in the pay of the members of the board of registrars and board of equalization.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the board of registrars and board of equalization of Conecuh County shall be entitled to receive an additional compensation of \$5.00 per day to be paid out of the general fund of the county treasury. Said amount shall be in addition to any and all other amounts provided for by law and shall be paid only for those days when said boards are authorized to meet and conduct business.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CONECUH

Before me, the undersigned authority in and for said County in said State, this day personally appeared R. G. Bozeman, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Evergreen Courant, Inc., a newspaper of general circulation published in Conecuh County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 3, April 10, April 17, and April 24, all in the year 1975.

R. G. BOZEMAN, JR.

Sworn to and subscribed before me May 2, 1975.

HAROLD ADAMS,
Notary Public.

My Commission Expires April 5, 1977.

By Mr. Warren (With Notice and Proof):

H. 166. Relating to Conecuh County; providing for a monthly clerical assistance allowance for the tax assessor of said county and specifically repealing Act No. 334, H. 921 of the Regular Session 1973 (Acts of 1973, p. 476), which Act provides for such an allowance for the months of October, November and December, only, making the provisions of this Act effective July 1, 1975.

Local Legislation No. 1.

Notice and Proof H. 166:

**STATE OF ALABAMA
COUNTY OF CONECUH**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Conecuh County; providing for a monthly clerical assistance allowance for the tax assessor of said county and specifically repealing Act No. 334, H. 921 of the Regular Session 1973 (Act of 1973, p. 476), which Act provides for such an allowance for the months of October, November and December, only, making the provisions of this Act effective July 1, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Conecuh County is hereby authorized to provide a monthly allowance not to exceed \$162.50 per month for clerical assistance for the county tax assessor. Such allowance shall be in addition to any other allowance now provided by law and shall be paid monthly out of the general fund of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed, and Act No. 334, H. 921, Regular Session 1973 (Acts of 1973, p. 476) is hereby specifically repealed.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 4. This Act shall become effective July 1, 1975.

PROOF OF PUBLICATION

**STATE OF ALABAMA
COUNTY OF CONECUH**

Before me, the undersigned authority in and for said County in said State, this day personally appeared R. G. Bozeman, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Evergreen Courant, Inc., a newspaper of general circulation published in Conecuh County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 3, April 10, April 17, and April 24, all in the year 1975.

R. G. BOZEMAN, JR.

Sworn to and subscribed before me May 2, 1975.

**HAROLD ADAMS,
Notary Public.**

My Commission Expires April 5, 1977.

By Mr. Starkey (With Notice and Proof):

H. 167. To alter, rearrange and extend the boundary lines of the City of Scottsboro, Jackson County, Alabama, so as to include within

the corporate limits thereof certain additional territory lying within the following described boundaries, situated in Jackson County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 167:

LEGAL NOTICE

STATE OF ALABAMA
JACKSON COUNTY

Pursuant to the Constitution and laws of the State of Alabama, notice is hereby given of the intention to apply to the Legislature of Alabama for the passage and enactment of a local law, the substance of which is as follow:

A BILL
TO BE ENTITLED
AN ACT

TO ALTER, REARRANGE AND EXTEND THE BOUNDARY LINES OF THE CITY OF SCOTTSBORO, JACKSON COUNTY, ALABAMA, SO AS TO INCLUDE WITHIN THE CORPORATE LIMITS THEREOF CERTAIN ADDITIONAL TERRITORY LYING WITHIN THE FOLLOWING DESCRIBED BOUNDARIES, SITUATED IN JACKSON COUNTY, ALABAMA.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines of the City of Scottsboro, Jackson County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of said City of Scottsboro all territory now within such corporate limits and also certain other territory, hereinafter described as Tract No. 1 and Tract No. 2, which additional territory is all located in Jackson County, Alabama, and is described as follows:

Tract No. 1

Begin at a point on the present corporate limits line of the City of Scottsboro, where the north line of the Southern Railway intersects the west boundary of the east half of Section 23, Township 4 South, Range 5 East, and run thence with the north line of the Southern Railway to the point where the north line of the Southern Railway intersects the west line of Section 16, Township 4 South, Range 5 East; thence run south along the west boundary lines of Sections 16, 21, 28 and 33, all in Township 4 South, Range 5 East, and continue south along the west boundary lines of Sections 4 and 9, Township 5 South, Range 5 East, and to the south-west corner of said Section 9; thence run east along the south boundary of said Section 9 and to a point on the present Scottsboro corporate limits line at the southeast corner of said Section 9; thence run north with the east boundary of said Section 9 and the present corporate limits line to the northeast corner of said Section 9; thence run east with the north line of Section 10, Township 5 South, Range 5 East, and along the present corporate limits line to the northeast corner of the northwest quarter of said Section 10; thence run south with the present corporate limits and to the southwest corner of the north half of the north half of the northeast quarter of said Section 10; thence run east with the present corporate limits and to a point on the east boundary of said Section 10 located at the southeast corner of the north half of the north half of the northeast quarter of said Section 10; thence run north with the present corporate limits and along the east boundary of said Section 10 and to the northeast corner of said Section 10; thence con-

tinue with the present corporate limits by running east along the south boundary of Section 2, Township 5 South, Range 5 East, and to the southwest corner of the southeast quarter of the southeast quarter of said Section 2; thence continue with the present corporate limits by running north along the west boundary of the east half of the east half of said Section 2, and along the west boundary of the east half of the east half of Sections 35, 26 and 23, Township 4 South, Range 5 East and to the south right-of-way line of the Lee Highway in said Section 23; thence continue with the present corporate limits by running northwest along the south right-of-way of the Lee Highway and to the west boundary of the east half of said Section 23; thence run north with the present corporate limits along the west boundary of the east half of said Section 23 and to the north line of the Southern Railway, the point of beginning.

Tract No. 2

Begin at a point on the present Scottsboro corporate limits which is located at the point of intersection of the east boundary of the west half of the east half of Section 16, Township 4 South, Range 6 East, with the southeast right-of-way of the Lee Highway; thence continue with the present corporate limits line as follows: run south to the south-west corner of the southeast quarter of the southeast quarter of said Section 16, thence run east to the south-east corner of said Section 16, thence run south with the east section line of Sections 21 and 28, Township 4 South, Range 6 East, and to the southeast corner of said Section 28, thence run east with the south section line of Section 27, Township 4 South, Range 6 East, and to the southwest corner of the southeast quarter of said Section 27, thence run north and to the northwest corner of the south half of the southeast quarter of said Section 27, thence run east with the north line of the south half of the southeast quarter and to the northeast corner of the west fifty acres of the south half of the southeast quarter of said Section 27, thence run south with the east line of the west fifty acres of the south half of the southeast quarter of said Section 27 and to the south boundary of said Section 27, thence run east with the south boundary of said Section 27 and to the southeast corner of said Section 27, thence run south with the east boundary of Section 34, Township 4 South, Range 6 East, and extend said line across the McNary Reservation to the northwest shore line of Guntersville Reservoir of the Tennessee River; thence leaving the present corporate limits, run with the meandering of said shore line in a generally northeasterly direction and to the point where said shore line intersects the east boundary of Section 26, Township 4 South, Range 6 East; thence run north along the east boundaries of Sections 26 and 23, Township 4 South, Range 6 East, and to the northeast corner of said Section 23; thence run west along the north boundaries of Sections 23 and 22, Township 4 South, Range 6 East, and to the point of intersection of the north boundary of said Section 22 with the center of Dry Creek; thence run with the center of Dry Creek in a generally northwesterly direction across Section 15, Township 4 South, Range 6 East, and to the point of intersection of the center of Dry Creek with the southeast right-of-way of the Lee Highway, which point is located near the south boundary of Section 10, Township 4 South, Range 6 East; thence run in a generally southwesterly direction along the southeast right-of-way of the Lee Highway and to the point of beginning.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF JACKSON

Before me, the undersigned authority in and for said County in said State, this day personally appeared James K. Harkness, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Daily Sentinel, a newspaper of general circulation published in Jackson County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 7th, 14th, 21st, and 28th, all in the year 1975.

JAMES K. HARKNESS.

Sworn to and subscribed before me 5th day of May, 1975.

EDNA KIRBY,
Bookkeeper, Notary Public.

By Mr. Starkey (With Notice and Proof):

H. 168. To alter, rearrange and extend the boundary lines of the City of Scottsboro, Jackson County, Alabama, so as to include within the corporate limits thereof all territory which is already included within such corporate limits immediately prior to the time this Act becomes law and, in addition thereto, all the territory which is not then included within such corporate limits but which lies within the following described boundaries, all situated in Jackson County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 168:

STATE OF ALABAMA
JACKSON COUNTY

Pursuant to the Constitution and laws of the State of Alabama, notice is hereby given of the intention to apply to the Legislature of Alabama for the passage and enactment of a local law, the substance of which is as follows:

A BILL
TO BE ENTITLED
AN ACT

TO ALTER, REARRANGE AND EXTEND THE BOUNDARY LINES OF THE CITY OF SCOTTSBORO, JACKSON COUNTY, ALABAMA, SO AS TO INCLUDE WITHIN THE CORPORATE LIMITS THERETO CERTAIN ADDITIONAL TERRITORY LYING WITHIN THE FOLLOWING DESCRIBED BOUNDARIES, SITUATED IN JACKSON COUNTY, ALABAMA.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines of the City of Scottsboro, Jackson County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of said City of Scottsboro all territory now within such corporate limits and also certain other territory, which additional territory is situated in Jackson County, Alabama and is described as follows:

Begin at a point on the present City limits on the east boundary of the west half of the east half of Section 16, Township 4 South, Range 6

East, at its point of intersection with the southeast right-of-way of the Lee Highway and run thence with the southeast right-of-way of the Lee Highway in a generally northeasterly direction in said Section 16 and in Sections 15 and 10, Township 4 South, Range 6 East, and to the point of intersection of the southeast right-of-way of the Lee Highway with the center of Dry Creek and said Section 10; thence run with the center of Dry Creek in a generally northwesterly direction and to the northernmost point of intersection of the center of Dry Creek with the west boundary of Section 10; thence run northerly with the west boundary of said Section 10 and the east boundary of Section 9, Township 4 South, Range 6 East; and to the southeast corner of the northeast quarter of the northeast quarter of said Section 9; thence run westerly with the north boundary of the south half of the north half of said Section 9 and continue westerly with the north boundary of the south half of the north half of Sections 8 and 7, Township 4 South, Range 6 East, and to the point in said Section 7 where such boundary is intersected by the east or northeast right-of-way of Tupelo Road; thence run in a generally southeasterly direction with the east or northeast right-of-way of Tupelo Road in Sections 7, 8 and 17, Township 4 South, Range 6 East, and to the point on the present City limits where the east or northeast right-of-way of Tupelo Road intersects the south boundary of said Section 17; thence run with the present City limits as follows, to-wit: easterly with the south boundary of said Section 17 and the north boundary of Section 20, Township 4 South, Range 6 East and to the northwest right-of-way line of the Southern Railroad at or near the northeast corner of said Section 20, thence run northeast along the northwest right-of-way line of the Southern Railroad to the east boundary of the west half of Section 16, Township 4 South, Range 6 East, thence north to the southeast corner of the northwest quarter of the northwest quarter of said Section 16, thence west to the west boundary of said Section 16, thence north to the northwest corner of said Section 16, thence west to the southwest corner of the southeast quarter of the southeast quarter of Section 8, Township 4 South, Range 6 East, thence north to the northwest corner of said southeast quarter of the southeast quarter, thence east with the north boundary of the south half of the south half of Sections 8 and 9, Township 4 South, Range 6 East to the east boundary of the west half of said Section 9, thence run north to the center of said Section 9, thence run east to the northeast corner of the west half of the southeast quarter of said Section 9, thence south to the south boundary of said Section 9, thence west along the south boundary of said Section 9, 2279.6 feet to the west right-of-way line of McFoilton Lane, thence run South 17 degrees 11' West 497.2 feet and to the southeast corner of Lot 10, Block 2A of the Patrick Investment Company Property according to a survey made by B. M. Ballard dated April, 1965, thence run South 72 degrees 49' East 298.7 feet, thence South 85 degrees East 568 feet and to the west right-of-way line of a County Road; thence run South 0 degrees 22' West along the west right-of-way line of said County Road 940.2 feet, thence run North 89 degrees 08' West 539.5 feet, thence run South 73 degrees 0' West 265.5 feet, thence run South 0 degrees 05' West 213.3 feet and to the north right-of-way line of McFoilton Lane, thence run along the north right-of-way line of McFoilton Lane North 73 degrees East 349.2 feet and South 89 degrees 08' East 613 feet and to the east right-of-way line of a County Road at or near the Southern Railroad right-of-way, thence run southeast along the east right-of-way of said County Road to the southeast right-of-way line of the Southern Railroad, thence run southwest along the southeast right-of-way line of the Southern Railroad to the south boundary of the north half of said Section 16, thence east to the middle of said Section 16, thence north along the west boundary of the east half of said Section 16, 575 feet, thence run east 675 feet, thence run north to the north right-of-way of a county road, which right-of-way is the south boundary of Estate No. 13 of the

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Rural Estates Subdivision as the same is shown by a map or plat thereof recorded in Town Plat Book "A" at page 198 in the office of the Probate Judge of Jackson County, Alabama, thence run east along the north right-of-way line of said County Road to a branch which is shown on said plat crossing said Estate No. 13, thence run in a northeasterly direction along said branch as the same meanders to the northeast boundary of said Estate No. 13, thence run southeast along the northeast boundary of said Estate No. 13 to the northwest right-of-way line of the Lee Highway, thence run northeast with the Lee Highway to the east boundary of the west half of the east half of said Section 16, thence run South to the point of beginning.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF JACKSON

Before me, the undersigned authority in and for said County in said State, this day personally appeared James K. Harkness, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Daily Sentinel, a newspaper of general circulation published in Jackson County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 7th, 14th, 21st, and 28th, all in the year 1975.

JAMES K. HARKNESS.

Sworn to and subscribed before me 5th day of May, 1975.

EDNA KIRBY,
Bookkeeper, Notary Public.

By Messrs. Hines, Dial, Cooper, Quarles, Lee, Morris, Smith (C), Crowe, Barron, Harris, Venable, Wyatt, Smith (J), Warren, McCulley, Malone, Leonard, Carothers, Killian, Sasser, Johnson, Clark, Johnstone, Pegues, Manley, Owens and Kinsey:

H. 169. Regulating further the licensing of motor vehicles, to provide for the issuance of semi-permanent license plates with a tab or other device indicating the payment of the license tax for the current year.

Ways and Means.

By Mr. McCulley (With Notice and Proof):

H. 170. Relating to Washington County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Washington County.

Local Legislation No. 1.

Notice and Proof H. 170:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF WASHINGTON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Washington County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Washington County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Washington County Commission, or any succeeding county governing body performing the functions of the county governing body in said county, shall employ a county engineer, who shall be a thoroughly qualified and competent civil engineer, possessing all of the qualifications as specified for county engineers under the general laws of the State of Alabama; and he shall devote his entire time and attention to the maintenance and construction of the Washington County public roads, highways, bridges and ferries, and shall, during his employment, reside in Washington County, Alabama.

Section 2. Said county engineer shall be appointed by the county commission from a nomination made by the state highway director. If said nomination is not acceptable to said county commission, the state highway director shall be requested to make additional nominations.

Section 3. It shall be the duty of the said engineer, (1) to employ, supervise and direct all such assistants as are necessary to properly maintain and construct the public roads, highways, bridges and ferries of Washington County, and he shall have authority to prescribe their duties, and to discharge said employees for cause, or when not needed; (2) to perform such engineering and surveying service as may be required, and to prepare and maintain the necessary maps and records; (3) to maintain the necessary accounting records to reflect the cost of the county highway system; (4) to build, or construct new roads, or change old roads, but only when ordered to do so by proper order of the county commission; (5) it shall be his further duty, in so far as is feasible, to construct and maintain all county roads on the basis of the county as a unit, without regard to any district or beat lines.

Section 4. The said county engineer is hereby designated as the person authorized to make written requisition upon the duly designated purchasing agency, for all articles, materials, supplies, and equipment necessary for the maintenance and construction of roads, bridges and ferries in Washington County.

Section 5. It shall be the duty of the county commission to fix, from time to time, in accordance with prevailing economic conditions, the various scales of wages or salaries to be paid for labor necessary in

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the maintenance and construction of said roads, highways, bridges and ferries, and said wage or salary scale shall not be exceeded by said engineer in the employment of labor and assistants.

Section 6. The county commission shall fix the amount of the salary of the said county engineer, payable in equal monthly installments from the Washington County treasury.

Section 7. The county commission shall furnish the county engineer with an office at the courthouse, or elsewhere at the county seat, and all necessary office supplies, and shall furnish him with necessary transportation in connection with his duties under this Act.

Section 8. The county engineer shall be the custodian of all road tools, machinery, supplies and equipment of Washington County, and he shall be accountable for the same, at all times. The county commission shall furnish the necessary storage facilities in which to keep said tools, machinery, supplies and equipment, and the county engineer shall keep on file in his office, at all times, an up-to-date inventory, containing a list of all said tools, machinery, equipment and supplies belonging to Washington County.

Section 9. The authority of said county engineer shall be limited to the expenditure of such funds for the purpose of construction, maintenance or repairs of public roads, bridges and ferries of Washington County as may be set aside and appropriated by the county commission, as hereinafter provided; it shall be the duty of said county commission at some meeting in September of each calendar year, or not later than the first meeting in October following, by order or resolution spread upon the minutes, to fix and determine the amount of funds which will be available for the purpose of building, maintaining and constructing public roads, bridges and ferries of Washington County for the current fiscal year, beginning on October 1st, which said amount, other than the salary of said county engineer and his necessary expenses, shall not be exceeded by him in building, maintaining and constructing public roads, bridges and ferries in Washington County during said period: provided however, that said county commission is authorized, from time to time within and such period, to increase the amount so allowed to be expended by said county engineer during said period, when such authorization will not conflict with provisions of the general law under the Budget Act, Title 12, Section 74, Code of Alabama 1940. Provided further, that if such funds are presently available, and have not heretofore been set aside by the present County Commission of Washington County, immediately upon the passage of this Act, it shall be the duty of the county commission herein created to set aside a sufficient portion of said funds for the maintenance of said roads, bridges, and ferries until the annual budget is approved for the incoming year in October.

Section 10. The county engineer shall make written requisition to the chairman of the county commission for all materials, machinery, equipment, and necessary supplies needed for the construction, maintenance, or repairs of public roads, bridges and ferries of Washington County. Said requisitions shall be filed and presented by the chairman to the county commission at its next meeting, for the approval of the county commission. Provided, however, that the chairman shall have full power and authority to make said purchases without first obtaining the approval of the whole county commission if the delay caused by the hereinabove procedure, might, in his judgment, cause an unnecessary and harmful interruption in the operation of the county road system.

Section 11. It shall be the further duty of the county engineer to inspect all materials, machinery, equipment, and supplies, purchased

by Washington County Commission for use on public roads, bridges, and ferries, when the same is delivered, and the same shall not be accepted and paid for without its first having been approved by him.

Section 12. It shall be the further duty of each associate member of the county commission to inspect the roads complaints of the citizens, and report the same to the county commission with his recommendations; to advise with the county engineer concerning the problems of his district, particularly; and to assist in securing rights-of-ways, and assist in public relations generally.

Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. This Act shall become effective within 30 days upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF WASHINGTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Dalton Jackson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Call-News Dispatch, a newspaper of general circulation published in Washington County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 4/10, 4/17, 4/24, and 5/1, all in the year 1975.

DALTON JACKSON.

Sworn to and subscribed before me May 5, 1975.

ANNETTE R. BAXTER,
Notary Public.

By Mr. McCulley (With Notice and Proof):

H. 171. Relating to Washington County; declaring motor vehicles, boats, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting in the county to be contraband: and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Local Legislation No. 1.

Notice and Proof H. 171:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF WASHINGTON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Washington County; declaring motor vehicles, boats, guns, rifles, ammunition and hunting equipment used in illegal nighttime

deer hunting in the county to be contraband: and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Any motor vehicle, boat, or any gun, rifle, ammunition or other hunting equipment which has been or is used for illegal nighttime deer hunting in Washington County shall be contraband, and, in the discretion of the circuit court of such county, may be forfeited to the State of Alabama, as hereinafter provided.

Section 2. The sheriff or any other person authorized to enforce the game and fish laws of this state who apprehends any person hunting deer in Washington County in the nighttime, or who finds any vehicle which is being or has been used in such illegal nighttime hunting shall seize such vehicle and any gun, rifle, ammunition or other deer hunting equipment or boat found in the possession of or on the person of such person or in or on such vehicle and shall report such seizure and the facts connected therewith to the solicitor or other prosecuting official in the county. The report shall contain a full description of the vehicle or other equipment seized and detained, the name of the person in whose possession it was found, the name of the person making claim to the same, or any interest therein, if the name is known or can be ascertained, the date of seizure, and a statement of the circumstances surrounding the seizing of the property.

Section 3. The solicitor or other prosecuting officer of the county upon receiving such report shall at once institute, or cause to be instituted, condemnation proceedings in the circuit court of Washington County in equity, in the same manner that he is directed by law to institute proceedings for the condemnation and forfeiture of automobiles and other vehicles used in the illegal transportation of alcoholic beverages. Except as herein otherwise provided, the procedures for the condemnation, forfeiture and sale of motor vehicles and hunting equipment under this Act shall be governed in all things by and shall conform to the law relative to proceedings for the condemnation, forfeiture, and sale of vehicles used in the illegal transportation of alcoholic beverages. Without limiting the generality of the foregoing sentence the provisions of Code of Alabama 1940, Title 29, Section 248 and 249, shall apply to and govern all such proceedings.

Section 4. In order to condemn and confiscate any of the property set out in Section 1 it shall not be necessary for the solicitor or other prosecuting authority to prove possession of deer killed in the county while hunting in the nighttime or that the hunter be apprehended in the actual act of killing deer; but it shall be sufficient to prove possession upon the person or in the motor vehicle - or boat, of a gun, rifle, ammunition and other equipment at such time and place and under such circumstances as would support a conviction for illegally hunting deer in the nighttime.

Section 5. The proceeds of the sale of any property condemned and forfeited to the state under authority of this Act, after payment of all expenses in the cause, including the cost of seizure and a keeping of the property pending the proceedings shall be paid into the state treasury to the credit of the state conservation fund.

Section 6. All laws or parts of law which conflict with this Act are repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF WASHINGTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Dalton Jackson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Call-News Dispatch, a newspaper of general circulation published in Washington County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 4/10, 4/17, 4/24, and 5/1, all in the year 1975.

DALTON JACKSON.

Sworn to and subscribed before me May 5, 1975.

ANNETTE R. BAXTER,
Notary Public.

By Mr. McCulley (With Notice and Proof):

H. 172. Relating to Washington County, to prescribe when it shall be unlawful to hunt wild turkey in said county.

Conservation.

Notice and Proof H. 172:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF WASHINGTON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Washington County, to prescribe when it shall be unlawful to hunt wild turkey in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for anyone to hunt, attempt to hunt, capture or attempt to capture wild turkey in Washington County whenever hunting, capturing or attempting to hunt or capture wild turkey is unlawful under the general law of Alabama and in addition thereto it shall also be unlawful to hunt, attempt to hunt, capture or attempt to capture wild turkey in such county during the months of November, December and January. Whoever violates this section is guilty of a misdemeanor and upon conviction shall be punished according to law.

1st Day

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective November 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF WASHINGTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Dalton Jackson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Call-News Dispatch, a newspaper of general circulation published in Washington County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 4/10, 4/17, 4/24, and 5/1, all in the year 1975.

DALTON JACKSON.

Sworn to and subscribed before me May 5, 1975.

ANNETTE R. BAXTER,
Notary Public.

By Messrs. Carter, Robertson, Johnson, Kinsey, Martin, Roberts, Gafford, Higginbotham, Biddle, White, Sandusky, Sonnier, McMillan, Carothers, Starkey, Shelton, Teague, Dial, Morris, Weeks, Ford, Greer, McNees, Lutz, Reed and Cross:

H. 173. To amend Title 52, Section 8, Code of Alabama, 1940, by deleting the prohibition of educators serving as members of the state board of education.

Education.

By Mr. Merrill:

H. 174. To make a supplemental appropriation to the Department of Health for the operation of the Medicaid Program for the fiscal year ending September 30, 1975, in the amount of \$8,700,000.00.

Ways and Means.

By Messrs. Carter, Morris, Smith (B), Riddick, Coburn, Goodwin, Gregg, Lutz, Albright, Starkey, Killian, Brindley, Kelley, Roberts, Cross, Martin, Drake, Taylor, Rich, Sandusky, Greer, Hill, Burgess, Merrill, Naramore, Sparks, Johnson, Clark, Crowe, McNees, Sasser, Leonard, Moore (W), Robertson, Gafford, Callahan, Wyatt, Lee, Campbell, Lockett, McMillan, Sonnier, Carothers, Boles, Owens, Baker, Smith (C), Venable, Teague, Shelton, Dial, Weeks and Moore (O):

H. 175. To make unlawful the selling of certain game fish caught or taken from any of the fresh waters of this or any other state, prescribing the penalty therefor.

Conservation.

By Messrs. Smith (C), Moore (O) and Waggoner:

H. 176. To name the Speech and Hearing Center at the University of Montevallo the "George C. Wallace Speech and Hearing Center."

State Administration.

JOURNAL OF THE HOUSE, 1975
1st Day

By Mr. McMillan:

H. 177. To further amend Section 429, Title 51, Code of Alabama 1940, as amended, to eliminate restrictions against levy and assessment of excise or license taxes by municipalities and counties.

State Administration.

By Messrs. McMillan, Kinsey, Harris, Sandusky and Sonnier:

H. 178. To amend Section 587 of Title 37, Code of Alabama 1940, as amended, relating to appeals from Recorder's Court; authorizing appeal bonds not to exceed four hundred dollars (\$400) and authorizing a defendant to appeal without bond if he remains in custody pending the trial on appeal.

Judiciary.

By Mr. McMillan:

H. 179. To amend Section 747 of Title 37, Code of Alabama 1940, as amended, to authorize municipalities to levy an increased license tax on banks and branch banks.

Ways and Means.

By Messrs. Venable and Plaster:

H. 180. To transfer any remaining funds out of the appropriation made to the Department of Conservation, Division of State Parks, Monuments and Historical Sites, by Act No. 653, H. 91, approved September 6, 1961 (Acts 1961, p. 790) to the Alabama Historical Commission to be expended for the restoration and development of the Fort Toulouse Site in Elmore County.

Conservation.

By Messrs. Plaster, Hines, Quarles, Wyatt, Holmes, Lewis, Gafford, Sasser, Kinsey, Holley, Smith (C), Morris, Waggoner, Mitchem and Kelley:

H. 181. To amend Title 52, Section 341, Code of Alabama, 1940, to provide that the city or county superintendent may excuse an educator from attendance at institute held prior to the beginning of the school term or during the term in the same manner and under the same policies governing such leave on any other regularly scheduled work day.

Ways and Means.

By Messrs. Jackson (R), Porter and Lewis:

H. 182. To create a board of trustees to manage and control Alabama State University; to prescribe the powers, duties, authority, and compensation of the board; to provide for the appointment and prescribe the term of office of members thereof; to divest the state department of education of all jurisdiction, power and authority with respect to the supervision, management and control of said university; and to provide for the transfer from said state department of education to the board of trustees of Alabama State University of all supplies, funds, books, documents, records and other property or effects of such university.

State Administration.

By Messrs. Jackson (R), Porter and Lewis:

H. 183. To create a board of trustees to manage and control Alabama State University; to prescribe the powers, duties, authority, and

compensation of the board; to provide for the appointment and prescribe the term of office of members thereof; to divest the state department of education of all jurisdiction, power and authority with respect to the supervision, management and control of said university; and to provide for the transfer from the state department of education to the board of trustees of Alabama State University of all supplies, funds, books, documents, records and other property or effects of such university.

State Administration.

By Messrs. Jackson (R) and Porter:

H. 184. To create a board of trustees to manage and control Alabama Agricultural and Mechanical University; to prescribe the powers, duties, authority, and compensation of the board; to provide for the appointment and prescribe the term of office of members thereof; to divest the state department of education of all jurisdiction, power and authority with respect to the supervision, management and control of said university; and to provide for the transfer from said state department of education to the board of trustees of Alabama Agricultural and Mechanical University of all supplies, funds, books, documents, records and other property or effects of such university.

State Administration.

By Messrs. Jackson (R) and Porter:

H. 185. To create a board of trustees to manage and control Alabama Agricultural and Mechanical University; to prescribe the powers, duties, authority, and compensation of the board; to provide for the appointment and prescribe the term of office of members thereof; to divest the state department of education of all jurisdiction, power and authority with respect to the supervision, management and control of said university; and to provide for the transfer from the state department of education to the board of trustees of Alabama Agricultural and Mechanical University of all supplies, funds, books, documents, records and other property or effects of such university.

State Administration.

By Messrs. Wyatt, Plaster and Lewis (With Notice and Proof):

H. 186. Relating to Montgomery County: To authorize and establish the office of warrant magistrate; to provide for the appointment of three warrant magistrates; to provide for the qualifications of persons holding such offices, duties of said offices and the compensation and method of payment of same; to repeal conflicting laws.

Local Legislation No. 4.

Notice and Proof H. 186:

STATE OF ALABAMA
COUNTY OF MONTGOMERY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Montgomery County: To authorize and establish the office of warrant magistrate; to provide for the appointment of three

warrant magistrates; to provide for the qualifications of persons holding such offices, duties of said offices and the compensation and method of payment of same; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Creation of Office. There is hereby created in the area of Montgomery County not including the City of Montgomery the office of warrant magistrate.

Section 2. Appointment; Tenure of Office. The members of the House of Representatives representing districts outside of the City of Montgomery, acting jointly, shall appoint three warrant magistrates for any such area of said county.

Section 3. Qualifications. No person shall be appointed a warrant magistrate unless he be over the age of 25 years, of good moral character and have a high school education or its equivalent.

Section 4. Duties. The duties of the warrant magistrate shall be as follows:

a. To take evidence and oaths in support of affidavits in criminal cases and to issue warrants of arrests thereon;

b. To take evidence and affidavits in support of search warrants and to issue warrants in the manner prescribed by law in the Code of Alabama 1940, Title 15, Section 102, et seq.

c. To set bonds for appearance in any criminal case;

d. The powers and authority of the warrant magistrates are supplemental and in addition to the powers and authorities of duly elected or appointed judges of Montgomery County.

Section 5. Compensation. The salary of the warrant magistrates shall be \$100 per month payable in monthly installments out of the general fund of the county by warrant properly drawn on said fund.

Section 6. Office Space. Suitable office space and all stationery, equipment, supplies and postage necessary for the conduct of the office so created by this Act shall be furnished by the governing body of the county.

Section 7. All laws or parts of laws in conflict with this Act are repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

W. T. Johnson, being sworn, says that he is editor and publisher of The Montgomery Independent, a weekly newspaper of general circulation, printed and published in the City and County of Montgomery, Alabama, and that the attached notice appeared in the issues of March 27, April 3, 10, 17 of The Montgomery Independent.

W. T. JOHNSON.

Sworn to and subscribed before me this the 18th day of April, 1975.

SUSAN WARD JOHNSON,
Notary Public.

My commission expires Feb. 3, 1979.

By Messrs. Wyatt, Plaster, Lewis and Holmes (With Notice and Proof):

H. 187. To create the office of commissioner of civil marriages in each precinct of Montgomery County; to define the duties and provide for the election and commissioning of such officers; to fix the amount of bond to be posted and fees to be collected; and to provide for provisional appointments to such office.

Local Legislation No. 4.

Notice and Proof H. 187:

STATE OF ALABAMA
COUNTY OF MONTGOMERY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To create the office of commissioner of civil marriages in each precinct of Montgomery County; to define the duties and provide for the election and commissioning of such officers; to fix the amount of bond to be posted and fees to be collected; and to provide for provisional appointments to such office.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created an office in every precinct in Montgomery County to be known as commissioner of civil marriages. There may be elected by the qualified electors of each precinct in Montgomery County not exceeding two commissioners of civil marriages. They shall be elected at the general election of 1976 and every fourth year thereafter. The commissioners shall serve for four years and until their successors are qualified.

Section 2. Each commissioner of civil marriages may solemnize marriages within his precinct and shall be entitled to collect the fee prescribed therefor by law.

Section 3. Before entering on the duties of the office, a commissioner-elect must give bond and surety, payable and conditioned as prescribed by law, in the sum of one thousand dollars, which bond must be approved by the judge of probate of the county, and filed and recorded in his office. He must obtain a commission from the judge of probate in the same manner prescribed for notaries public in Title 40, Section 1, Code of Alabama of 1940, as amended.

Section 4. (1) When a vacancy in any precinct is occasioned by the death or removal from such precinct of a commissioner, the other commissioner for such precinct must give notice to the judge of probate of such vacancy, the cause, and the name of the commissioner whose office is vacated.

(2) Vacancies in the office of commissioner of civil marriages shall be filled by appointment of the state representative within whose district such vacancy exists; and the commissioner appointed must be duly commissioned before he assumes the duties of the office, and he may hold office for the unexpired term of his predecessor.

(3) Each office of commissioner of civil marriages shall be filled initially by appointment of the state representative within whose district the precinct lies, and the commissioner appointed must be duly commissioned before he assumes the duties of the office. Each commissioner appointed under this subsection shall serve until the first Monday after the second Tuesday in January, 1977 or until his successor is elected and commissioned.

Section 5. The provisions of this act are cumulative and shall not be construed to repeal or supersede any laws not directly inconsistent herewith.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

W. T. Johnson, being sworn, says that he is editor and publisher of The Montgomery Independent, a weekly newspaper of general circulation, printed and published in the City and County of Montgomery, Alabama, and that the attached notice appeared in the issues of March 27, April 3, 10, 17 of The Montgomery Independent.

W. T. JOHNSON.

Sworn to and subscribed before me this the 18th day of April, 1975.

SUSAN WARD JOHNSON,
Notary Public.

My commission expires Feb. 3, 1979.

By Mr. Wyatt (With Notice and Proof):

H. 188. Relating to the unincorporated community of Arrowhead in Montgomery County; providing that whenever the owner of an unoccupied lot fails or refuses to mow the grass and weeds thereon and/or collect debris therefrom any person in the community can have it done and send the lot owner the bill for the reasonable cost of such services, which shall become a lien upon the real property.

Local Legislation No. 4.

Notice and Proof H. 188:

STATE OF ALABAMA
COUNTY OF MONTGOMERY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to the unincorporated community of Arrowhead in Montgomery County; providing that whenever the owner of an unoccupied lot fails or refuses to mow the grass and weeds thereon and/or collect debris therefrom any person in the community can have it done and send the lot owner the bill for the reasonable cost of such services, which shall become a lien upon the real property.

Be It Enacted by the Legislature of Alabama:

REGULAR SESSION
1st Day

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Section 1. Whenever the owner of an unoccupied lot in the unincorporated community of Arrowhead in Montgomery County shall fail or refuse to mow the grass and weeds thereon or collect the debris therefrom any person in the community can do it or have it done and send a bill for the reasonable cost of such service to the owner of said lot and said cost shall become and be deemed a lien upon the property until paid. A notice of such lien may be filed in the les pendens records in the probate office of Montgomery County, Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

W. T. Johnson, being sworn, says that he is editor and publisher of The Montgomery Independent, a weekly newspaper of general circulation, printed and published in the City and County of Montgomery, Alabama, and that the attached notice appeared in the issues of March 27, April 3, 10, 17 of The Montgomery Independent.

W. T. JOHNSON.

Sworn to and subscribed before me this the 18th day of April, 1975.

SUSAN WARD JOHNSON,
Notary Public.

My commission expires Feb. 3, 1979.

By Messrs. Wyatt, Plaster, Edwards, Folmar, Reed, Smith (C), McCulley, Holley, Johnstone, Sasser, Malone, Mitchem, Moore (O), Baker, Whatley, Carothers, Williams, Crawford, Venable, Hines, Warren, Smith (M), Harrison, Higginbotham, Lockett, Lewis, Holmes, Coburn, LeFlore, Kennedy, Sonnier, Sandusky, Biddle, Manley, Pegues, Carter, McCluskey, Jackson (R), Shelton and Falkenburg:

H. 189. To designate the honey bee as the official state insect for the State of Alabama.

State Administration.

By Messrs. Wyatt, Plaster, Burgess, Robertson, Reed, Folmar, Greer, Holley, McCulley, Johnstone, Cooper, Malone, Mitchem, Moore (O), Baker, Whatley, Carothers, Williams, Hines, Warren, Edwards, Lockett, Holmes, Coburn, LeFlore, Kennedy, Sonnier, Sandusky, Biddle, Manley, Carter, Jackson (R), Shelton and Falkenburg:

H. 190. To provide salary increases for certain state employees; and to appropriate funds thereof.

Ways and Means.

By Messrs. Wyatt, Plaster, Carter, Kinsey, Higginbotham, Roberts, Campbell, Dial, Sasser, McCulley, Hill, Naramore, Owens, Warren, Robertson, Drake, Smith (J), Malone, Mitchem, Moore (O), Baker, Reed, Smith (C), Lewis, Holmes, LeFlore, Kennedy, Sonnier, Sanduskey, Biddle, Shelton and Merrill:

H. 191. To establish a pension fund for Alabama fire fighters to be known as the Alabama Fire Fighters Pension Fund; to prescribe conditions for joining, withdrawing from, and continuing membership in the fund; to regulate the payment of pensions and benefits from the fund; to provide for the management and administration of the fund by a board of trustees; to prescribe the membership of the board, to provide for the election and terms of office of members thereof, and prescribe their powers and duties; to establish the office of secretary-treasurer of such board, provide for his employment, his salary, and

his bond; and for the purpose of financing the fund to levy and provide for the collection of an additional tax on insurers against fire, lightning, and related hazards in fire protected areas, to fix membership dues, and authorize gifts, contributions and donations to the fund.

Ways and Means.

By Messrs. Owens, Kinsey, Clark, Campbell and Mitchem:

H. 192. To prescribe, authorize and regulate investments of life, disability, and burial insurance companies.

Insurance.

By Messrs. Owens, Mitchem and Kinsey:

H. 193. To amend Section 54 of Act No. 407, Acts of Alabama 1971, codified into Section 54, Title 28A, Code of Alabama 1940 (recompiled 1958) by raising the capital requirements of insurance companies.

Insurance.

By Messrs. Owens, Mitchem and Kinsey:

H. 194. To amend Sections 201 (2) (a) (c) (e) of Act No. 407, Acts of Alabama, 1971, which sets up standards of eligible surplus lines insurers so as to undate and strengthen existing laws by raising capital requirements of authorized surplus lines insurers to \$1,500,000.00; to stop unfair discrimination in doing business with qualified surplus lines insurers; to foreclose operation in such a manner as to avoid payment of surplus lines tax.

Insurance.

By Messrs. Owens, Mitchem, Kelley, Lee and Kinsey:

H. 195. To establish within the Department of Insurance a Receivership Division, to provide for the management thereof and to enumerate the duties, responsibilities and authority to be conferred thereon.

Insurance.

By Messrs. Owens, Mitchem and Kinsey:

H. 196. To amend Section 525(6) of Act No. 407, Acts of Alabama 1971 which excepted all insurance companies licensed in Alabama prior to 1972 from the provision of Section 525 above which required the home office, records, and assets of domestic companies to remain in Alabama.

Insurance.

By Messrs. Owens, Crowe, Callahan, Plaster, Wyatt, Hill, Coburn, Whatley, Trammell, Biddle, Greer, Howard, Merrill, Folmar, Falkenburg, Johnstone, Holmes, Kennedy, Jolly, Albright, Roberts, Johnson, LeFlore, Martin, Williams, Hines, Mitchem, Hopping, McNair, Reed (T), Gregg, Riddick, Goodwin, Hilliard, Teague, Lutz, Lee, Robertson, Kinsey, Carothers, Boles, Andrews, McNees, Smith (M), Malone, Hall, Starkey, Naramore, Brindley, Rich, Warren, Quarles, Porter, Lewis, Baker, McCulley, Glass, Smith (J), Harris, Higginbotham, Sandusky, Holley, Cooper, Taylor, Ford, Sonnier, Drake, Shelton, Clark, Leonard and Armstrong:

H. 197. To establish as educational policy of the State of Alabama a procedure whereby school boards and their professionally certificated employees shall meet and confer for the purpose of cooperatively developing policies and procedures for the operation of public schools.

Education.

1st Day

By Messrs. Owens, Merrill, Biddle, McCluskey, Wyatt, Plaster, McNair, Kinsey, Roberts, Burgess, Dial, Carter, Sasser, Martin, McCulley, Crowe, Howard, Gafford, Teague, Cooper, Sonnier, Waggoner, Naramore, Sparks, Robertson, Coburn, Higginbotham, Warren, Falkenburg, Holley, Greer, Quarles, Harris, Brindley, Morris, Starkey, Hill, Lee, Clark, Shelton, Moore (O), Jolly, Trammell, Armstrong, Smith (C), Weeks, Smith (M), Baker, Venable, Barron, McNees, Lutz, LeFlore, Boles, Johnson, Cross, Folmar, Ford, Mitchem, Turnham, Drake, Carothers, Callahan, Williams and Malone:

H. 198. To amend further Section 366 of Title 52 of the Code of Alabama 1940, as amended, which relates to the Teachers' Retirement System of Alabama, so as to provide for 2.0125% formula in calculating retirement benefits and to provide for the removal of the 80% of average final compensation restriction on retirement benefits; also provides for a redetermination as of October 1, 1975; also provides for a clarification of the corporate powers of the Retirement Systems of Alabama; and further provides for necessary and proper appropriations.

Ways and Means.

By Messrs. Owens, Merrill, Biddle, McCluskey, Wyatt, Plaster, Kinsey, Coburn, Burgess, Roberts, Waggoner, Dial, Carter, Sasser, Martin, McCulley, Gafford, Crowe, Howard, McNair, Teague, Smith (M), Cooper, Sonnier, Naramore, Sparks, Robertson, Warren, Falkenburg, Holley, Greer, Quarles, Harris, Brindley, Morris, Starkey, Hill, Lee, Clark, Shelton, Moore (O), Jolly, Trammell, Armstrong, Smith (C), Weeks, Baker, Venable, Barron, McNees, Lutz, LeFlore, Boles, Johnson, Cross, Ford, Mitchem, Turnham, Drake, Carothers, Callahan, Manley, Folmar, Williams, Higginbotham, and Malone:

H. 199. To provide that in the event Section 366 of Title 52 of the Code of Alabama 1940, as amended, provides, at the time this Act becomes effective, that the formula factor for computing teachers' retirement benefits shall be 2.0125%, then any retired teacher and/or any teacher who retires hereafter, who does not receive a 15% net gain in retirement benefits by operation of the formula increase, shall receive an additional amount which shall be sufficient, when added to result in a "post-formula increase" net gain in benefits equal to, but not exceeding, 15% of such member's prior benefit entitlements; also to provide for all necessary and proper appropriations.

Ways and Means.

By Messrs. Owens, Manley, McCorquodale, Merrill and LeFlore:

H. 200. To make an appropriation to the Governor's Mansion Advisory Board for the refurbishing and refurbishing of the Governor's Mansion, to provide that said appropriation may be spent either within or outside the provisions of the state purchasing act.

Ways and Means.

By Messrs. Waggoner, Biddle, Armstrong, Jolly, Moore (O), Callahan, Teague, Quarles, Gafford, Owens, Turnham, White, Falkenburg, McNair, Hill, McMillan, Robertson, McNees, Hilliard, Hopping, Trammell, Andrews, Clark, Lee, Cross, Roberts, Martin, Naramore, Moore (W), Ford, Rich, Hines, Dial, Shelton, Sonnier, Smith (C), Brindley, Baker, Folmar, Barron, Warren, Cooper, Drake, Sparks, Coburn, Williams, Sasser, Malone, Kennedy, Kelley, Johnstone,

Carothers, Kinsey, Plaster, Mitchem, Weeks, Jackson (R) and Carter:

H. 201. To provide that driver's licenses bear photographic likenesses in color of licensed drivers and to provide for a system of color photographic driver license forms.

Ways and Means.

By Mr. Waggoner:

H. 202. To make an appropriation of \$500,000 per year for the next two fiscal years, out of any funds in the State Treasury not otherwise appropriated, for use by the State Health Department for Family Planning Services.

Ways and Means.

By Messrs. Sandusky, Sonnier, Callahan and Cooper:

H. 203. To provide for the appointment of assistant district attorneys in the Thirteenth Judicial Circuit and for a graduated schedule of compensation for assistant district attorneys in the Thirteenth Judicial Circuit and to repeal Code of Alabama 1940, Title 13, Section 254 and all amendments thereto.

Ways and Means.

By Messrs. Waggoner, McNair and Falkenburg:

H. 204. To provide a state scholarship program to promote the education of graduate nurses at the School of Nursing of the University of Alabama in Birmingham, and making appropriations therefor.

Ways and Means.

By Messrs. Waggoner and Falkenburg:

H. 205. To provide for the establishment, regulation of, and an appropriation for the financing of a scholarship loan and awards program for the study of dentistry; replacing Act No. 793 of Acts of Alabama, Regular Session, 1965.

Ways and Means.

By Mr. Waggoner:

H. 206. To exempt The Muscular Dystrophy Association, Inc. from the payment of all state, county, and municipal sales and use taxes.

Ways and Means.

By Messrs. Waggoner, Biddle and Carothers:

H. 207. To provide that school principals shall supervise the operation and management of schools under policies determined by local boards of education and to assign school principals supervisory responsibilities and the coordination of instructional leadership under the direction of the local school superintendent.

Education.

By Mr. Waggoner:

H. 208. To provide for a scholarship program for medical education; to repeal Act No. 278 adopted at the First Special Session of 1965 of the Legislature of Alabama and making an appropriation therefor.

Ways and Means.

By Messrs. Sandusky, Sonnier, Callahan and Cooper:

H. 209. Relating to Judicial Circuits composed of one county and having not less than six or more than nine Circuit Judges; to provide for the appointment in said circuits of two investigators; to prescribe their authority and powers and prescribe their compensation.

Ways and Means.

By Messrs. Sonnier, Sandusky, Callahan and Cooper:

H. 210. To amend further Act No. 172, H. 187, 1st Special Session 1964, as further amended which Act related to Judicial Circuits composed of one county and having not less than six nor more than nine Circuit Judges, by increasing the salary range for the Administrative Assistant to the District Attorney and the two Legal Stenographers and the addition of a Legal Stenographer in such counties.

Local Legislation No. 3.

By Messrs. Sonnier, Sandusky, Callahan and Cooper:

H. 211. Relating to Judicial Circuits composed of one county and having not less than six or more than nine Circuit Judges; to provide for the appointment in said Circuits of one Grand Jury Bailiff; to prescribe his duties, to fix his term of employment and to prescribe his compensation and provide for the payment of his compensation out of the General Fund of the County.

Local Legislation No. 3.

By Messrs. Morris, Biddle, Mitchem, Callahan, Sandusky, White, Campbell and Sasser:

H. 212. To provide for a sentence of death or life imprisonment without parole in certain aggravated offenses; to prescribe the manner of charging and sentencing in such cases and to eliminate lesser included offenses in such cases; to limit the maximum punishment in all other cases to life imprisonment; to provide for an effective date of this act.

Judiciary.

By Messrs. LeFlore, White, Boles, Lutz, Jolly, Kennedy, Reed, Hill, Johnstone, Cooper, Turnham, Callahan, Higginbotham, Malone, McCulley, Smith (C), Morris, Howard, Owens, McMillan, Kinsey, Folmar, Wyatt and Porter:

H. 213. Relating to elections; to change the dates for primary elections and for filing declarations of candidacy in years in which a president of the United States is not elected; to abolish statutory procedures for contesting primary elections and to authorize and direct the executive committees of political parties to provide by party rule for contesting such elections; to correlate other provisions of the election laws with these changes; and for these purposes amending Code of Alabama 1940, Title 17, Sections 106, 145, 340, 344, 348, 360, 373, 407 and 414 and repealing Sections 378 through 384, 386, 388, 389 and 391 of said title.

Constitution and Elections.

By Messrs. Burgess, Shelton and Merrill (With Notice and Proof):

H. 214. To amend Act No. 192, H. 526, 1971 Regular Session (Acts 1971, p. 487), entitled "An Act Relating to Calhoun County; providing for meetings of and clerical assistance to the board of registrars of

Calhoun County," relative to the salary of the executive secretary to the board, to make the provisions of this amendatory act retroactive.

Local Legislation No. 1.

Notice and Proof H. 214:

STATE OF ALABAMA
COUNTY OF CALHOUN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 192, H. 526, 1971 Regular Session (Acts 1971, p. 487), entitled "An Act relating to Calhoun County; providing for meetings of and clerical assistance to the board of registrars of Calhoun County," relative to the salary of the executive secretary to the board, to make the provisions of this amendatory act retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 192, H. 526, 1971 Regular session (Acts 1971, p. 487) is amended to read as follows:

"Section 4. The executive secretary provided for herein shall be paid a salary out of the county treasury of not less than four hundred dollars nor more than seven hundred and fifty dollars per month, the exact amount to be fixed by the county governing body of Calhoun County."

Section 2. This Act shall have retroactive effect to April 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CALHOUN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Phillip Sanguinetti, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was President of the The Anniston Star, a newspaper of general circulation published in Calhoun County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 9, April 16, April 23, and April 30, all in the year 1975.

PHILLIP SANGUINETTI.

Sworn to and subscribed before me May 6, 1975.

LOLA J. BRIGHT,
Notary Public.

By Mr. Turnham:

H. 215. To designate the wild turkey as the official state game bird for the State of Alabama.

Conservation.

1st Day

By Messrs. Leonard, Smith (B), Sasser, Carter, Hopping, Hall, Porter, Clark, Lee, Crowe, Johnstone, Folmar, Shelton, Dial, Hines, Kinsey, Howard, Hill, Jolly, Moore (O), McNees, Gregg, Starkey, Brindley, Mitchem, Kelley, Harrison and McNair:

H. 216. To provide that any person in this state at the arrival at the age of eighteen years shall be relieved of their disabilities of minority.

Ways and Means.

By Mr. McCluskey:

H. 217. To validate in certain cases elections heretofore held in municipalities or counties for the purpose of authorizing any special tax under the Constitution.

Local Government.

By Mr. McCluskey:

H. 218. To authorize the governing body of any county or the governing body of any municipality within the county to establish within the county or within the municipality ambulance service on a non-profit basis; to authorize the county to unite with any municipality within the county or two or more municipalities within the county, to unite with each other or together with the county, in the establishment of such ambulance service, making such service common for the use of the county or participating municipality or municipalities, and to authorize the providing of such service by contract; to authorize appropriations of public funds for such service by the county or any municipality; to authorize the charging of limited fees for such ambulance service; and to exempt such county and any municipality from tort liability while operating ambulances or providing ambulance service as authorized herein.

Local Government.

By Mr. McCluskey:

H. 219. To amend Title 51, Section 647, as amended, Code of Alabama 1940, which relates to excise tax on gasoline, and as last amended by Act No. 221, page 278, Volume 1, Acts of Alabama, 1967, which act was adopted at the Special Session of the Legislature of Alabama, 1967, and approved May 10, 1967, so as to exempt incorporated municipalities from payment of such tax on gasoline and to authorize the department of revenue to adopt rules and regulations in connection with such exemptions.

Ways and Means.

By Mr. McCluskey:

H. 220. To validate in certain cases elections heretofore held in municipalities or counties from the purpose of authorizing any special tax under the Constitution.

Local Government.

By Mr. McCluskey:

H. 221. To provide an additional alternative procedure whereby incorporated municipalities of this state may alter their corporate limits to incorporate into their boundaries certain contiguous unincorporated territory upon petition of certain landowners of the area sought to be annexed.

Local Government.

By Messrs. McCluskey, Dial and Edwards:

H. 222. To provide that the boards of Alabama Institute for Deaf and Blind, Alabama Boys Industrial School, Alabama Girls Industrial School, and the Industrial School at Mt. Meigs shall grant personal leave to teachers.

Ways and Means.

By Messrs. Drake and Sparks:

H. 223. To regulate further membership in the Alabama Peace Officers' Annuity and Benefit Fund, established by Act No. 999, Regular Session of 1969 (Acts of Alabama 1969, Pages 1855-1866); specifically to authorize and provide for membership in such fund by certain long-time peace officers who had retired prior to establishment of the fund.

Ways and Means.

By Messrs. Johnstone, Jackson (R), Coburn, Porter, Malone, Hilliard, McCulley, Crowe, Cooper, Holmes, Glass, Hopping, Howard, Robertson, Andrews, McNair, Trammell, Goodwin, Albright, Greer, Ford, Taylor, Rich, Tucker, Lewis, Johnson, Lee, Boles, Teague, Naramore, LeFlore, Kennedy, Quarles and Williams:

H. 224. To amend Act No. 430, H. 222, Regular Session 1953 (Acts 1953, p. 535), which provides that the right of a person to work shall not be denied or abridged on account of membership or non-membership in any labor union or organization, so as to allow the making of agency shop contracts requiring non-union employees to pay an amount equal to union dues to the union representing like employees.

Business and Labor.

By Messrs. Johnstone, Sonnier, Killian, Jackson (R), Porter, Johnson, Hines, Smith (B), Naramore, Moore (W), McNeese, Leonard, Harrison, Ford, Clark, McNair, Merrill, Rich, Brindley, Lutz, Hilliard, Harris, Baker, Lewis, Kinsey, Plaster, Manley, Howard, Robertson, Hopping, Hill, Falkenburg, McMillan, Kennedy, Owens, Wyatt, Sasser, Malone, Drake, Taylor, Armstrong, Carter, Coburn, Waggoner, Carothers, Boles, Gregg, Riddick, Greer, Pegues, Campbell, Crowe, LeFlore, Kelley, Morris, Dial, Quarles, Teague and Smith (M):

H. 225. To amend Section 2-316 of Act No. 549, S. 2, Regular Session 1965 (Acts 1965, p. 811) (now appearing in Title 7 A, in the supplement to Code of Alabama, recompiled 1958), which is the Alabama Uniform Commercial Code, and which Section 2-316 concerns the exclusion or modification of the implied warranties of merchantability or fitness for a particular purpose to circumscribe the limitation or exclusion of the implied warranty of merchantability or fitness for a particular purpose in the sale or lease of new consumer goods.

Judiciary.

By Messrs. Smith (M), Turnham, Higginbotham, Whatley and Baker:

H. 226. To require every person using, operating or driving a motor vehicle upon or over the roads and highways of the State of Alabama to bring said motor vehicle to a complete stop when approaching a church bus, or other vehicle used in transporting persons to and from church, while said church bus or other vehicle used in transporting persons to and from church is engaged in taking on or discharging passengers and prescribing the penalty for violating the provisions of this act.

Highway Safety.

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By Mr. Smith (M):

H. 227. To make an appropriation to the Division of Game and Fish, Department of Conservation and Natural Resources from the Game and Fish Fund for the purchase of radio communications equipment.

Conservation.

By Mr. Smith (M):

H. 228. To amend the Code of Alabama 1940, Title 36, Section 5(1), which establishes a state maximum speed limit for motor vehicles on the highways of Alabama, to provide for a maximum speed of 55 miles per hour.

Highway Safety.

By Messrs. Johnstone and Kennedy:

H. 229. To provide that in every county having a population of not less than 300,000 nor more than 500,000 inhabitants according to the last or any succeeding census, the county governing body of the county is authorized to pay a monthly pension to any public law librarian upon retirement, and the chief circuit judge of the judicial circuit comprising such county is authorized to pay an additional monthly pension from any law library fund to such law librarian upon such retirement; and to prescribe the terms and conditions of such retirement and such pensions.

Local Legislation No. 3.

By Messrs. Robertson, McMillan, Owens, Wyatt, Clark, Johnson, Harris and Lee:

H. 230. To create a commission called The Good Neighbor Commission; prescribing certain powers and duties for said permanent state commission; authorizing the use of legislative funds in the amount of \$50,000 per year for its expenses during 1975-77 biennium; providing for transportational facilities for the commission and for expenses of the commission.

Ways and Means.

By Messrs. Robertson and Lee (With Notice and Proof):

H. 231. Relating to expense allowances of county officials in Tuscaloosa County.

Local Legislation No. 1.

Notice and Proof H. 231:

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to expense allowances of county officials in Tuscaloosa County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following county officials in Tuscaloosa County shall be paid the indicated expense allowance monthly from the county general fund in addition to their present salary and expense allowance, viz:

Officials	Monthly Expense Allowance
Tax Collector	\$350.00
Tax Assessor	\$350.00
Circuit Clerk	\$350.00
License Commissioner	\$300.00
Clerk of the Tuscaloosa County Court	\$300.00

Section 2. The provisions of this Act shall become effective on the first day of the month next following the date upon which this bill becomes law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karl Elebash, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Graphic, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 10, April 17, April 24, and May 1, all in the year 1975.

KARL ELEBASH.

Sworn to and subscribed before me May 1, 1975.

LaJUNE BURNETT,
Notary Public.

By Messrs. Robertson, Clark, Johnson, Howard and Owens (With Notice and Proof):

H. 232. Relating to Tuscaloosa County; to amend further Act No. 56, H. 285, Regular Session 1953 (Acts of 1953, p. 76) an act levying additional privilege or license taxes in Tuscaloosa County, so as to exempt tangible personal property purchased outside said county from the use tax levy.

Local Legislation No. 1.

Notice and Proof H. 232:

LEGAL NOTICE

STATE OF ALABAMA TUSCALOOSA COUNTY

Notice is hereby given pursuant to Section 106 of the Constitution of Alabama 1901 that application will be made to the Legislature of Alabama for the enactment of a local law, the substance of which is as follows:

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1st Day

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A BILL
TO BE ENTITLED
AN ACT

Relating to Tuscaloosa County; to amend further Act No. 56, H. 285, Regular Session 1953 (Acts of 1953, p. 76) an act levying additional privilege or license taxes in Tuscaloosa County, so as to exempt tangible personal property purchased outside said county from the use tax levy.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of said Act No. 56 of 1953 is hereby amended to read as follows:

"Section 4. Levy of Use Tax.

"(a) An excise tax is hereby imposed on the storage, use or other consumption in the county of tangible personal property purchased at retail on or after the effective date of this amendatory act, for storage, use of other consumption in the county at the rate of two per cent (2%) of the sale price of such property, except as provided in subsections (b) and (c) of this section.

"(b) An excise tax is hereby imposed on the storage, use or other consumption in the county of any automotive vehicle or truck trailer and semi-trailer and machinery used in farming and logging operations purchased at retail on or after the effective date of this amendatory act, for storage, use or other consumption in the county at the rate of one-half of one percent ($\frac{1}{2}$ of 1 per cent) of the sales price of such automotive vehicle, truck trailer or semi-trailer.

"(c) The storage, use or other consumption in the county of tangible personal property purchased at retail from a retailer who is not engaged in business in the county on or after the effective date of this amendatory act is hereby exempted from the excise tax imposed by subsection (b) of this section.

"Every person storing, using or otherwise consuming in the county tangible personal property purchased at retail, except as exempted by subsection (c) of this section, shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the tax has been paid; provided, however, that a receipt from a retailer maintaining a place of business in the county, showing that the property in question was purchased at retail from such retailer and the tax levied in Section 3 hereof has been paid with respect to the purchase at retail of such property shall be sufficient to relieve the purchaser from further liability for a tax under this section with respect to use, storage, or consumption of such property. Each exemption provided for in the state use tax statutes as amended by Act No. 99 of the 1959 Special Session of the Legislature of Alabama, approved August 18, 1959, and as they may from time to time hereafter be amended, shall, during the period of time when such exemption shall be effective in said statutes, be applicable to the tax levied in this section; provided, that in the event of the repeal of the state use tax statutes, as at any time amended the exemptions effective therein immediately prior to any such repeal shall thereafter be applicable to the tax levied in this section. All provisions and procedures with respect to the filing of returns, collections and payment of taxes, keeping of records, making of reports, determination of the amount of the tax due, penalties, assessments, notices, examinations of taxpayers and their books provided in the state use tax statutes, as hereafter amended, with respect to the tax levied in those statutes shall be applicable to the tax levied in this section excepting, however, the pro-

cedure for appeals from assessments, and such appeals shall be made as hereinafter set forth; provided, however, that any procedure or provisions involving the State Department of Revenue which is incorporated herein by reference to the state use tax statutes shall be deemed to apply, with respect to the tax levied in this section to the tax board."

Section 2. This act shall become effective on the first day of the first calendar month next following the date of its enactment.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karl Elebash, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Graphic, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 10, April 17, April 24, and May 1, all in the year 1975.

KARL ELEBASH.

Sworn to and subscribed before me May 1, 1975.

LaJUNE BURNETT,
Notary Public.

By Messrs. Robertson, Johnson, Wyatt, Lee, Clark and Johnstone:

H. 233. To provide salary increases for certain employees of the Department of Mental Health; and to appropriate funds therefor.

Ways and Means.

By Messrs. Falkenburg, Quarles, Sasser, Carothers, Johnson, Lee, Sandusky, Mitchem, Pegues, Folmar, Holley, Crawford, Burgess, Shelton, Cooper, Kinsey, White, Sparks, Carter, Coburn, Drake, Brindley, Martin, McCluskey, McNair, Boles, Hall, McNees, Waggoner, Hopping, Leonard, Andrews, Harrison, Trammell, Gafford, Moore (W), Lutz, Manley, Holmes, Lewis, Weeks, Killian, Morris, Clark, Smith (B), Porter, Howard, Harris, Riddick and Albright:

H. 234. To further amend Sections 2, 3, 4, 5, 6, 7 and 8 of Act No. 867, S. 210, Regular Session 1965, [Acts 1965, p. 1615; now appearing in Code of Alabama, Recompiled, 1958, as Title 46, Sections 189 (33 thru 47)], as amended, and entitled "An Act To better provide for the public health by providing for the regulation and approval of schools of nursing, for the examination, regulation and licensing of professional and practical nurses; to create and define the powers of the Board of Nursing and the Advisory Council for practical nursing; to provide for the appointment and prescribe the terms of office, duties and compensation of members of such Board and of such Council; to provide for disciplining licensees and for appeals from decisions of the said Board; to prescribe penalties for violation of the provisions of this Act; and to make further provisions for the purpose of carrying out this Act," and to repeal conflicting statutes.

Health.

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1st Day

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By Mr. Albright:

H. 235. To establish the right of privileged Communication for School Counselors.

Judiciary.

By Mr. Hill:

H. 236. To amend Title 3, Section 11, Code of Alabama, 1940, as amended, pertaining to cruelty to animals.

Judiciary.

By Mr. Hill:

H. 237. To provide for the barring of all actions against, and immunity from any actions for, all persons who performed or furnished the design, planning, supervision, observation, or construction of improvements on real property, whether based on contract or tort, for damages arising out of any act or omission of such persons in the design, planning, supervision, observation, or construction of such improvements, even though the injury did not occur and the cause of action could not reasonably have been discovered within a period of seven years, unless such actions commenced within said seven years next after completion of the improvement, except that if injury to the person or property occurred during the seventh year after such completion, an action in tort to recover damages for such an injury including an injury causing wrongful death, may be brought within one year of the date of such injury; and to repeal conflicting laws.

Judiciary.

By Messrs. Manley and Pegues:

H. 238. To repeal Act No. 31, S. 104, approved September 23, 1965, Second Special Session 1965 (Acts of Alabama 1965, p. 47) entitled, "An Act Relating to counties having a population of not less than 27,000 nor more than 30,000 according to the most recent federal decennial census; to provide for a solicitor's fund therein when the solicitor resides in such county from the solicitor's fees taxed and collected as costs and providing for the expenditure and use thereof."

Local Legislation No. 1.

By Messrs. Manley and Clark:

H. 239. To transfer Richmond Pearson Hobson Memorial Home, a property on the National Register of Historic Places, owned by the Richmond Pearson Hobson Memorial Board of the State of Alabama to the Alabama Historical Commission.

State Administration.

By Messrs. Manley, Crowe, Carothers, Burgess, Teague, Biddle, Gafford, Sasser, Clark, Baker, Whatley, Wyatt, Williams, Smith (J), Cates, Holley, Reed, Quarles, Dial, McCluskey, Sandusky, Folmar, Glass, Kennedy, Cooper, LeFlore, White, Boles, Johnstone, Shelton, Jolly, Armstrong, Weeks, Smith (M), Plaster, Malone, Starkey, Moore (O) and Trammell:

H. 240. To require state officials and certain state employees to file financial disclosure statements; to prescribe the procedure for filing such statements; to allow inspection of such financial statement in certain circumstances; and to prescribe the duties of the Clerk of the House and the Secretary of the Senate under the provisions of this act;

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to repeal the state ethics law viz. Act No. 1056, S. 1, Regular Session 1973 [Acts 1973, p. 1699, now appearing in Code of Alabama 1940, Re-compiled 1958, Title 55, Sections 327 (8) - 327 (39)].

State Administration.

By Mr. Clark (With Notice and Proof):

H. 241. Relating to expense allowances of county officials in Tuscaloosa County.

Local Legislation No. 1.

Notice and Proof H. 241:

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to expense allowances of County officials in Tuscaloosa County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following county officials in Tuscaloosa County shall be paid the indicated expense allowance monthly from the county general fund in addition to their salary and expense allowance, viz:

Officials	Monthly Expense Allowance
County Court Judge	\$350.00
County Court Bailiff	\$125.00
County Court Secretary	\$125.00

Section 2. The provisions of this Act shall become effective on the first day of the month next following the date upon which this bill becomes law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karl Elebash, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Graphic, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 10, April 17, April 24, and May 1, all in the year 1975.

KARL ELEBASH.

Sworn to and subscribed before me May 1, 1975.

LaJUNE BURNETT,
Notary Public.

By Messrs. McCulley, Warren, Cooper, Malone, Kinsey, Hines, Hill, Sandusky, Greer, Shelton, Kelley, Owens, Higginbotham, Burgess, Sasser, White, Lewis, Gafford, Starkey, McNees, Moore (W), Martin, Roberts, Cross, Wyatt, Sonnier, LeFlore, Folmar, Holmes, Smith (C), Moore (O), Carothers, Kennedy, Johnstone, Smith (J), Lockett, Killian, Goodwin and Morris:

H. 242. Providing for the expiration of any lease of oil or natural gas rights or any other conveyance, exception or reservation of any kind separating oil or natural gas rights or interests from the freehold estate of land and providing for the revision of such rights or interests to the owner of the estate out of which such rights or interests were carved.

State Administration.

By Mr. McCorquodale (With Notice and Proof):

H. 243. Relating to Clarke County; authorizing the county commission of said county to provide data processing computerized services or other electronic systems, including micro-filming equipment, for the offices of the probate judge, tax assessor and the tax collector; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and shall be subject to the recommendation and approval of the probate judge of said county.

Local Legislation No. 1.

Notice and Proof H. 243:

A BILL
TO BE ENTITLED
AN ACT

Relating to Clarke County; authorizing the county commission of said county to provide data processing computerized services or other electronic systems, including micro-filming equipment, for the offices of the probate judge, tax assessor and the tax collector; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and shall be subject to the recommendation and approval of the probate judge of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Clarke County is hereby authorized to enter into contract for the purchase, lease or contractual services for providing data processing, computerized services or other modern or updated electronic based systems for bookkeeping, recording, indexing and filing of all documents, instruments and writings that are of record in the office of the probate judge, tax assessor and tax collector of said county. Said commission may provide for the micro-filming of all records, documents, files, papers or other writings which are required by law to be recorded in the office of the probate judge, tax assessor or tax collector and for such projective and reading equipment as may be necessary. Such micro-films or prints therefrom when duly authenticated by the said probate judge, tax assessor or tax collector, as the case may be, shall have the same force and effect at law as the original record or of copies thereof when made by any other legally authorized means, and may be offered in like manner, and shall be re-

ceived in evidence in any court where such original record or copy thereof made by other legally authorized means, could have been received in court.

Section 2. The county commission shall provide for the services, equipment and supplies necessary to implement the provisions of Section 1 of this act by either lease or outright purchase or by contractual services, whichever in the discretion of the county commission is deemed to be in the best interest of the county. The probate judge of said county shall be authorized to select the type of services to be used and to recommend and approve all contracts therefor. Because of the specialized nature of such services, all contracts therefor may be made without regard to any applicable statewide or local competitive bid law.

Section 3. All funds necessary and incidental for the implementation of this act shall be paid out of the general fund of Clarke County.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CLARKE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Robert W. McGwier, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Clarke County Democrat, a newspaper of general circulation published in Clarke County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 13, March 20, March 27, and April 3, all in the year 1975.

ROBERT W. MCGWIER.

Sworn to and subscribed before me April 10, 1975.

NELL A. CHAPMAN,
Notary Public, Clarke Co., Ala.

By Mr. McCorquodale (With Notice and Proof):

H. 244. To provide for a clerk or clerks in the offices of the Tax Collector and Tax Assessor of Clarke County, Alabama, and to fix the method and basis of the employment and compensation of such clerk or clerks, and to make such compensation payable out of the General Fund of said County.

Local Legislation No. 1.

Notice and Proof H. 244:

A BILL
TO BE ENTITLED
AN ACT

To provide for a clerk or clerks in the offices of the Tax Collector and Tax Assessor of Clarke County, Alabama, and to fix the method and basis of the employment and compensation of such clerk or clerks, and to make such compensation payable out of the General Fund of said County.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Tax Collector and the Tax Assessor of Clarke County, Alabama, be and they are hereby authorized and empowered to employ at public expense a clerk or clerks in their respective offices, each such officer to select the clerk or clerks for his office, such clerk or clerks shall serve, and may from time to time be replaced, at the will and pleasure of the said Tax Collector or Tax Assessor, as the case may be.

Section 2. That the aggregate salary of such clerk or clerks, whether one or more, is hereby fixed at \$3,600.00 per annum for each said office, and shall be paid in monthly installments aggregating \$300.00 each month for each of the said offices out of the General Fund of Clarke County, in either office hereunder; the said Tax Collector and Tax Assessor shall each direct the apportionment for his office between the clerks therein of the sum payable for such month.

Section 3. The said Tax Collector and Tax Assessor shall certify to the Clarke County Commission the name or names of the clerk or clerks employed by him hereunder, and the amount to be paid each clerk if there be more than one so employed; and shall from time to time, when appropriate, amend such certification; a warrant or warrants shall be drawn and issued each month upon the general fund of such county in favor of such clerk or clerks in conformity herewith and in conformity with such certification by such Tax Collector and Tax Assessor.

Section 4. All laws and parts of laws in conflict herewith are hereby repealed in so far as they conflict herewith.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CLARKE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Robert W. McGwier, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Clarke County Democrat, a newspaper of general circulation published in Clarke County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 13, March 20, March 27, and April 3, all in the year 1975.

ROBERT W. MCGWIER.

Sworn to and subscribed before me April 10, 1975.

NELL A. CHAPMAN,
Notary Public, Clarke Co., Ala.

By Mr. McCorquodale (with Notice and Proof):

H. 245. Relating to Clarke County; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Local Legislation No. 1.

Notice and Proof H. 245:

STATE OF ALABAMA
COUNTY OF CLARKE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Clarke County; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Any motor vehicle, or any gun, rifle, ammunition or other hunting equipment which has been or is used for illegal nighttime deer hunting in Clarke County shall be contraband, and, in the discretion of the circuit court of such county, may be forfeited to the State of Alabama, as hereinafter provided.

Section 2. The sheriff or any other person authorized to enforce the game and fish laws of this state who apprehends any person hunting deer in Clarke County in the nighttime, or who finds any vehicle which is being or has been used in such illegal nighttime hunting shall seize such vehicle and any gun, rifle, ammunition or other deer hunting equipment found in the possession of or on the person of such person or in or on such vehicle and shall report such seizure and the facts connected therewith to the solicitor or other prosecuting official in the county. The report shall contain a full description of the vehicle or other equipment seized and detained, the name of the person in whose possession it was found, the name of the person making claim to the same, or any interest therein, if the name is known or can be ascertained, the date of seizure, and a statement of the circumstances surrounding the seizing of the property.

Section 3. The solicitor or other prosecuting officer of the county upon receiving such report shall at once institute, or cause to be instituted, condemnation proceedings in the circuit court of Clarke County in equity, in the same manner that he is directed by law to institute proceedings for the condemnation and forfeiture of automobiles and other vehicles used in the illegal transportation of alcoholic beverages. Except as herein otherwise provided, the procedures for the condemnation, forfeiture and sale of motor vehicles and hunting equipment under this Act shall be governed in all things by and shall conform to the law relative to proceedings for the condemnation, forfeiture, and sale of vehicles used in the illegal transportation of alcoholic beverages. Without limiting the generality of the foregoing sentence the provisions of Code of Alabama 1940, Title 29, Sections 248 and 249, shall apply to and govern all such proceedings.

Section 4. In order to condemn and confiscate any of the property set out in Section 1 it shall not be necessary for the solicitor or other prosecuting authority to prove possession of deer killed in the county while hunting in the nighttime or that the hunter be apprehended in the actual act of killing deer; but it shall be sufficient to prove possession upon the person or in the motor vehicle of a gun, rifle, ammunition and other equipment at such time and place and under such circumstances as would support a conviction for illegally hunting deer in the nighttime.

Section 5. The proceeds of the sale of any property condemned and forfeited to the state under authority of this Act, after payment of all expenses in the cause, including the cost of seizure and a keeping of the property pending the proceedings shall be paid into the state treasury to the credit of the state conservation fund.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CLARKE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Robert W. McGwier, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Clarke County Democrat, a newspaper of general circulation published in Clarke County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 20, March 27, April 3, and April 10, all in the year 1975.

ROBERT W. MCGWIER.

Sworn to and subscribed before me April 10, 1975.

NELL A. CHAPMAN,
Notary Public, Clarke Co., Ala.

By Messrs. Turnham, Quarles and Carter:

H. 246. Relating to usury; amending Code of Alabama 1940, Title 9, Sections 60, 61 and 66 so as to raise the legal rate of interest which may be charged and collected on a loan; to authorize the aggregation of principal and interest at such increased rate when arriving at the amount of periodic installments; and to provide that a banker who discounts a note, bill of exchange or draft at such increased rate will not forfeit the right to collect interest.

Banking.

By Mr. Reed (With Notice and Proof):

H. 247. Relating to Macon County; to provide for and create a County Racing Commission for the regulation, licensing and supervision of dog racing, and wagering thereon; to prescribe the com-

position, appointment, powers and duties of the commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereto, and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county, and to provide for the severability of the parts, sections and provisions of the act.

Local Legislation No. 1.

Notice and Proof H. 247:

NOTICE

STATE OF ALABAMA COUNTY OF MACON

Notice is hereby given that a bill, substantially as follows, will be introduced in the legislature of Alabama and application for its passage and enactment into law will be made. The bill will be for the purpose of creating a Macon County Racing Commission for the regulation, licensing and supervision of dog racing, and wagering thereon; it will prescribe the composition, appointment, powers and duties of the commission; it will provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; it will provide for the distribution of license fees, taxes, commissions and other monies received; it will provide penalties for violation of the act, and it will provide for a referendum of the voters of the county on the question of whether the act will become effective.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MACON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Neil O. Davis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Tuskegee News, a newspaper of general circulation published in Macon County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on February 6, February 13, February 20, and February 27, all in the year 1975.

NEIL O. DAVIS.

Sworn to and subscribed before me February 28, 1975.

ALICE M. WHITE,
Notary Public.

By Messrs. Holley and Folmar:

H. 248. To repeal Act No. 1205, H. 31, 1971 Regular Session (Acts of 1971, p. 2091), entitled "An Act Relating to counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; to provide further for the type of newspapers in which certain notices required to be published in newspapers under the provisions of Section 713, Title 7, Code of Alabama 1940, may be published."

Local Legislation No. 1.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Baker and Whatley:

H. J. R. 7. COMPLIMENTING MISS LEIGH FORD UPON BEING CHOSEN "LITTLE MISS PHENIX CITY" FOR 1975.

WHEREAS lovely Little Miss Leigh Ford, who is the 7 year old daughter of Mr. and Mrs. Jack Ford of Phenix City, Alabama was crowned "Little Miss Phenix City" for 1975; and

WHEREAS Leigh Ford is in the First Grade at Glenwood Elementary School; and

WHEREAS Leigh exemplified the charm and grace that captured the hearts of all the people in attendance at the pageant; and

WHEREAS we wish Leigh every success and the best of luck in her years ahead; and

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That Little Miss Leigh Ford is complimented and congratulated upon winning the title of "Little Miss Phenix City" of 1975.

BE IT FURTHER RESOLVED, That the clerk of the House send a copy of this Resolution to the parents of Little Miss Leigh Ford and to the Phenix City Jaycees.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 7, on the Clerk's desk for one legislative day.

Also:

By Messrs. Baker and Whatley:

H. J. R. 8. COMPLIMENTING MISS WANDA WILLIAMS UPON BEING CHOSEN "MISS PHENIX CITY" FOR 1975.

WHEREAS the lovely brunette Wanda Williams, who is the 19 year old daughter of Mr. and Mrs. D. J. Williams of Phenix City, Alabama was crowned "Miss Phenix City" for 1975; and

WHEREAS Miss Williams is a graduate of Central High School and is currently attending the Chattahoochee Valley Community College; and

WHEREAS Miss Williams also placed as one of the five finalists in the talent presentations where she danced to the song "Who's in the Strawberry Patch with Sally?" and

WHEREAS Miss Williams will represent Phenix City in the upcoming Miss Alabama Contest; and

WHEREAS we wish Miss Williams every success and the best of luck in the Miss Alabama pageant; and

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That Miss Wanda Williams is complimented and congratulated upon winning the title of "Miss Phenix City" for 1975 and we do wish her every success in her future endeavors.

BE IT FURTHER RESOLVED, That the clerk of the House send a copy of this Resolution to Miss Williams and to the Phenix City Jaycees.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 8, on the Clerk's desk for one legislative day.

Also:

By Mr. Kinsey:

H. J. R. 9. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the express intent of the Legislature that upon the passage of House Bill 1 of the Third Extraordinary Session of 1975, Act No. 206, that it is and was the intent of the Legislature that in Section 1 of said act whereby all law enforcement officers employed by the State of Alabama shall receive payment under said act that it was meant by the Legislature that the Alabama Capitol Patrol be included in the provisions of said act.

On motion of Mr. Kinsey, the rules were suspended and the resolution, H. J. R. 9, was adopted.

Also:

By Mr. Warren:

H. J. R. 10. COMMENDING THE WBAM "ALL AMERICAN" BASKETBALL TEAM UPON RAISING FUNDS FOR CIVIC PROJECTS THROUGHOUT THE STATE OF ALABAMA.

WHEREAS certain members of the staff of radio station WBAM have a basketball team known as the Big Bam "All Americans" who go around the state playing members of civic clubs in various localities and donating all of the proceeds (without deducting any expenses whatsoever) to various civic projects; and

WHEREAS the Big Bam All Americans have been untiring in their efforts in raising such funds and have gone undefeated in their entire basketball season; and

WHEREAS they have played the following groups at the following towns and have donated the proceeds to the following projects, viz:

Site Team Played	Sponsoring Group	Project to which Proceeds Donated
Wetumpka	Wetumpka Jaycees	Penny Hood Fund
Montgomery	Floyd Jr. High Coaches	Community Center
Ozark	Ala. Aviation Tech. School	School
Union Springs	Union Springs Jaycees	Jaycee Projects
Montgomery	Capitol City Jaycees	Jaycee Projects
Montgomery	McIntyre Commun. Center	Community Center
Holtville	Slapout Civic Club	Penny Hood Fund
Montgomery	Bellingrath Commun. Center Staff	Community Center
Tallassee	Tallassee Jaycees	Penny Hood Fund
Autaugaville	Autaugaville Q. B. Club	Q. B. Club Projects
McKenzie	Garland Baptist Church	Youth Choir
Montgomery	Montgomery Police Dept.	F. O. P. Lodge
Marbury	Marbury PTO	P. T. O. Projects

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Eclectic	Eclectic Jaycees	Jaycee Projects
Castleberry	Castleberry Ruritan Club	Scholarship Fund
Montgomery	District Methodist Ministers	Nellie Burge Center; and

WHEREAS this Legislature wishes to congratulate the Big Bam All Americans for their splendid civic spirit and for the funds they have raised on behalf of the many civic projects throughout Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do thank and commend the members of the Big Bam "All American" Basketball Team for their untiring civic efforts on behalf of many worthwhile civic projects throughout this state.

BE IT FURTHER RESOLVED, That sufficient copies of this resolution be sent to radio station WBAM in order that each member of the team might have a personal copy.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 10, on the Clerk's desk for one legislative day.

Also:

By Messrs. McCluskey, Dial, Teague and McNair:

H. J. R. 11. MOURNING THE DEATH OF MRS. ROBERT E. LAWSON.

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Mrs. Robert E. Lawson of Sylacauga; and

WHEREAS Mrs. Lawson contributed immeasurably to the enrichment of our social, cultural, and economic lives. She was a diligent and devoted teacher at East Highland Middle School; and

WHEREAS she enjoyed a thirty-one year professional career as a teacher of Home Economics in schools at Cedartown, Georgia and Eufaula, Alabama as well as in Sylacauga; and

WHEREAS Anne Grace was born and raised in Marion where she attended Lincoln Normal School; and

WHEREAS she received her B. S. degree in Home Economics from Tennessee State University and completed her post graduate studies at Tuskegee Institute and the University of Montevallo; and

WHEREAS Mrs. Lawson's enthusiasm for her work, her devoted services to her community, her wit and personal charm endeared her to all who knew her; and

WHEREAS this legislature would like to pay tribute to this great but humble woman who made a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mrs. Robert E. Lawson and express our deep and sincere sympathy to her husband and her family, to whom copies of this resolution shall be sent.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 11, on the Clerk's desk for one legislative day.

Also:

By Messrs. Lockett, Pegues and Edwards:

H. J. R. 12. COMMENDING CHIEF FRANK A. LAPORTE OF THE SELMA POLICE DEPARTMENT FOR HIS DISTINGUISHED SERVICE.

WHEREAS Frank R. LaPorte is Chief of Police of Selma, Alabama; and

WHEREAS Chief LaPorte is a native of Selma, a distinguished veteran of World War II, and has served the Selma Police Department in all ranks; and

WHEREAS the Selma Police Department has become a model law enforcement agency under the leadership of Chief LaPorte; and

WHEREAS as a token of the great esteem and affection which the citizens of that city hold for Chief LaPorte, June 12, 1975 has been proclaimed by Mayor Smitherman as Chief LaPorte Day; and

WHEREAS this legislature wishes to join Mayor Smitherman and the people of Selma in honoring this dynamic and dedicated officer; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we most heartily commend Chief Frank R. LaPorte for his distinguished service and leadership as Chief of the Selma Police Department.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 12, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (C):

H. R. 13. COMMENDING THE ISABELLA HIGH SCHOOL BASEBALL TEAM FOR WINNING THE CLASS 1-A - 2-A AREA 4 CHAMPIONSHIP.

WHEREAS, the Isabella High School Baseball Team won the Class 1-A - 2-A Area 4 championship due to their outstanding ability and play; and

WHEREAS, the team worked diligently, long and hard to achieve this outstanding record; and

WHEREAS, Coaches Harold Gilliland and Frank Daniel are due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to a winning team; and

WHEREAS, the spirit of the team is reflective of their school, faculty, parents and the good citizens of their area;

NOW THEREFORE BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That we do most heartily congratulate and commend the Isabella High School Baseball Team for winning the Class 1-A - 2-A Area 4 championship.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, the coaches, and each team member.

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On motion of Mr. Smith (C), the rules were suspended and the resolution, H. R. 13, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 4. To provide for three conferences to be attended by members of the Constitution and Elections Committee of the House of Representatives, members of the Constitution and Elections Committee of the Senate, members of the Alabama Constitutional Commission and other designated Legislators.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Vacca:

S. J. R. 9. Amending H. J. R. 12, Act #113, Third Special Session, 1975, Creating Joint Interim Committee to Study Real Estate.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the first sentence of H. J. R. 12, Act #113, Third Special Session 1975, is amended to read as follows:

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That five members of the House and five members of the Senate, appointed by the presiding officer of the respective Houses be appointed to constitute a Joint Interim Committee to study real estate principles, practices and the upgrading of real estate operating and licensing laws."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Andrews, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 9, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

Under the provisions of S. J. R. 9, the President and Presiding Officer of the Senate has appointed Mr. Vacca as the additional Senate member of the Joint Interim Committee to Study Real Estate.

McDOWELL LEE,
Secretary.

NOTICE IN WRITING

Mr. Carothers filed the following Notice in Writing:

Notice is hereby given that on the next Legislative Day I shall move that Rule 48, page 25, Rules of the Alabama House of Representatives, 1975, be deleted.

**REPORT OF STATE JUDICIAL COMPENSATION COMMISSION TO
THE 1975 REGULAR SESSION OF THE ALABAMA LEGISLATURE**

1. The State Judicial Compensation Commission created by Section 6.09 of Article VI of the Constitution of Alabama files this report with the Alabama Legislature within the first five calendar days of the 1975 regular session as provided in said Section of the Constitution.

2. The Commission recommends to the Legislature of Alabama the following salaries and expense allowances to be paid from the State Treasury for all the judges of this state except probate judges:

(a) The salaries of the justices and judges of the Supreme Court, the Court of Civil Appeals, the Court of Criminal Appeals and the Circuit Courts shall continue in the amounts fixed by Title 13, Sections 29, 111(18) and 177(1f), Code of Alabama 1940, as last amended by Act #1245 approved September 19, 1973 (Acts 1973, page 2093).

(b) The salary of each district judge hereafter commissioned pursuant to law shall be equal to ninety percent (90%) of the total salary of the Circuit Judge receiving the highest total salary, including state salary and salary supplements paid by the county, in the circuit which includes the county in which the district judge is resident.

3. The Commission recommends that traveling and other expenses of judges be paid as follows, subject to approval of the Chief Justice:

(a) All state trial judges, including circuit, district and special judges, shall be reimbursed their necessary and reasonable expenses of travel, including, but not limited to, transportation costs, meals, lodging, registration fees, tuition fees and membership fees, whenever traveling on official business away from the place of their permanent office, whether within or outside their circuits or districts, or whenever ordered by the Chief Justice to attend a conference, seminar, college, institute, or other educational meeting within or outside the State of Alabama.

(b) The judges and justices of the appellate courts shall be reimbursed their necessary and reasonable expenses of travel, including, but not limited to, transportation costs, meals, lodging, registration fees, tuition fees and membership fees when attending colleges, seminars, conferences, conventions, or other meetings and official business away from the permanent seat of the court within or outside the State of Alabama.

(c) Any county judge, municipal judge, or other trial court judge, including retired and supernumerary judges of such courts, who is ordered by the Chief Justice to temporary duty in any court, or is authorized by the administrative director of courts to attend an educational conference or meeting, shall be entitled to be reimbursed the actual expenses of travel, including, but not limited to, transportation costs, meals, lodging, membership fees, registration fees, and tuition fees.

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Unanimously adopted and respectfully submitted this the 6th day of May, 1975.

Charles M. Hohenberg, Chairman
Bailey Anderson
Joseph F. Johnston
Oakley Melton, Jr.
T. Max Price

The report was ordered filed.

REPORT OF THE LEGISLATIVE ON-SITE EVALUATION
COMMITTEE ON ATHENS COLLEGE TO THE ALABAMA
LEGISLATURE, REGULAR SESSION, 1975.

Pursuant to the provisions of Senate Joint Resolution 40, creating the Legislative on-site evaluation committee on Athens, the committee visited the college and interviewed students, staff, facilities and interested citizens in the area, concerning the future of Athens College.

After careful deliberation and consideration, and discussion with as many of the interested parties as could be reached, we hereby make the following recommendation:

The State of Alabama should accept the facilities of Athens College in its entirety, (excluding any indebtedness). The committee further recommends that Athens College be incorporated into the state educational system and said college be continued as an upper division educational institution. (Junior and Senior years) The necessary faculty, staff, and administration shall be retained in their present position, in order that they may continue their vital role as leaders and guiding influences in the lives of the youth of Athens College.

The Committee unanimously agreed that this action shall not be construed as establishing a precedent for future consideration regarding state action in helping private schools when financial difficulties bring them to the point of closure.

The Committee further recommends that the name of Athens College be continued and the present Board of Trustees be retained as an Advisory Board.

Adopted by a majority vote.
May 6, 1975

The report was ordered filed.

ADJOURNMENT

Pursuant to the resolution, S. J. R. 1, heretofore adopted and on motion of Mr. Manley, the House adjourned until 4:00 o'clock p. m., Tuesday, May 27, 1975.

JOURNAL OF THE HOUSE, 1975
2nd Day

SECOND DAY

House of Representatives
Montgomery, Alabama
Tuesday, May 27, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Langdon Garrison, Pastor, Springhill United Methodist Church, Mobile, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the first legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the first legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Mr. Crowe:

H. J. R. 14. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:20 P.M. on May 27, 1975 for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama

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AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of two from the Senate, to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. J. R. 14, was adopted.

And the Speaker appointed as a Committee on the part of the House Messrs. Jolly, McMillan and Baker.

BILLS ON SECOND READING

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 174. (With Amendment): To make a supplemental appropriation to the Department of Health for the operation of the Medicaid Program for the fiscal year ending September 30, 1975, in the amount of \$8,700,000.00.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 96. (With Substitute): To provide that any person in this state at the arrival at the age of eighteen years shall be relieved of their disability of minority.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 201. To provide that driver's licenses bear photographic likenesses in color of licensed drivers and to provide for a system of color photographic driver license forms.

H. 222. To provide that the boards of Alabama Institute for Deaf and Blind, Alabama Boys Industrial School, Alabama Girls Industrial School, and the Industrial School at Mt. Meigs shall grant personal leave to teachers.

H. 127. To provide that any bona fide citizen of the state who is over 65 years of age shall be exempt from paying any tuition at any state supported institution of higher learning.

H. 181. To amend Title 52, Section 341, Code of Alabama, 1940, to provide that the city or county superintendent may excuse an educator from attendance at institute held prior to the beginning of the school term or during the term in the same manner and under the same policies governing such leave on any other regularly scheduled work day.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 50. (With Substitute): To amend Section 13, Title 32, Code of Alabama 1940, as amended, relating to pay of legislative interim committee members, so as to allow such members to receive the regular legislative per diem plus mileage and actual expenses when on committee business in a location other than the district from which the member is elected, and other than the seat of the state government.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1. To provide for the salary of the Governor; and to repeal Act No. 565, H. 964, 1957 Regular Session (Acts 1957 v. 2, p. 785), and any other laws or parts of laws in conflict with the provisions of this Act.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 92. To provide for equalization of the maximum rate of interest permitted to be charged by State Banks with the maximum rate permitted by Federal law to any competing national bank.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 55. To provide that boards of control of local school systems, institutions and agencies make available payroll deduction of dues for the local affiliate of any statewide educators' organization if their employees request this service.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 126. (With Amendments): To direct the state department of education to establish and maintain public kindergarten programs as an integral part of the public schools in Alabama; and to continue the eight kindergarten pilot programs heretofore established.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 67. (With Amendment): To amend Title 52, Section 322, to provide for certification of nurses to serve in the position of professional school nurse and to provide that prior to the issuance of such certificate the applicant shall have met all requirements prescribed by the State Board of Nursing for license as a Registered Nurse.

Mr. Burgess, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 226. To require every person using, operating or driving a motor vehicle upon or over the roads and highways of the State of Alabama to bring said motor vehicle to a complete stop when approaching a church bus, or other vehicle used in transporting persons to and from church, while said church bus or other vehicle used in transporting persons to and from church is engaged in taking on or discharging passengers and prescribing the penalty for violating the provisions of this act.

H. 228. To amend the Code of Alabama 1940, Title 36, Section 5(1), which establishes a state maximum speed limit for motor vehicles on the highways of Alabama, to provide for a maximum speed of 55 miles per hour.

Mr. Burgess, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 18. (With Amendment): To amend Section 29 of Act No. 516, H. B. 769, Regular Session 1949, (Acts 1949, p. 740, now appearing in the Code of Alabama, Recompiled 1958, Title 36, Section 58(29), which Act regulates further the use of highways by pedestrians and motor vehicles, including motorcycles and motor driven cycles, so as to regulate the clothing to be worn by all operators of motorcycles and motor driven cycles.

Mr. Burgess, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 19. To amend further Title 36, Section 40, Code of Alabama, as last amended, so as to require that all motorcycles and motor driven cycles shall exhibit a lighted head lamp at all times when operated on a public road.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 57. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Trinity.

H. 58. To amend Section 15 of Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), creating the Municipal Utilities Board of Decatur so as to raise the amount of expenditure for any new construction, additions, or replacements to the electric plant requiring approval by the City Council of the City of Decatur.

H. 90. Relating to counties having populations of not less than 27,900 nor more than 33,500; to provide an additional per diem and mileage expense allowance for jurors in such counties.

H. 93. To amend the City of Dothan Pension and Retirement System, established by Act No. 103, Regular Session of the Alabama Legislature, approved June 18, 1953, and amended by Act No. 424, Regular Session of the Legislature, approved August 7, 1961; Act No. 509, Regular Session, approved August 20, 1965; Act No. 601, Regular Session, approved September 8, 1967; Act No. 59, Regular Session 1971, approved July 12, 1971.

H. 104. Relating to Russell County; requiring any county official who maintains a fiduciary fund under the provisions of Title 58, Sections 30 through 38 or any other statutory provisions which provide for the keeping of fiduciary funds, to remove any monies which have been in the fiduciary fund for a period of ten years or more, and to credit such funds to the county treasury to be expended by the county governing body for any and all purposes.

H. 105. Providing that the Probate Judge of Russell County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

H. 114. Relating to Choctaw County, Alabama; levying a privilege license or excise tax on certain sellers and distributors of spiritous or vinous liquor; levying a privilege license or excise tax upon sellers, distributors, storers, or users of malt or brewed beverages; authorizing the county commission to levy an additional tax upon such sellers, distributors, storers, or users of malt or brewed beverages; providing for the administration of the Act by the Probate Judge and the collection, apportionment, and distribution of the proceeds of the Act; prescribing penalties for violations and giving the Act a retroactive effect.

H. 161. Relating to Conecuh County; to provide further for the distribution of any oil and gas severance tax paid to the governing body of Conecuh County.

H. 162. Relating to Conecuh County; to amend and re-enact Act No. 143, H. 536, Regular Session 1969 (Acts of 1969, p. 415), which act provides for a pistol fee in said county, so as to provide that all monies collected from said act shall be deposited in the county treasury and earmarked for law enforcement purposes.

H. 163. Relating to Conecuh County: Authorizing the sheriff to send, by first-class mail, notice of summons to persons selected to serve jury duty; and to notify, by first class-mail those persons selected to serve as election officers.

H. 164. Relating to Conecuh County, providing for the reimbursement of actual expenses of the members of the county board of education for their attendance at all authorized out-of-county meetings and conferences upon presentation of receipts by such members.

H. 165. Relating to Conecuh County; providing for an increase in the pay of the members of the board of registrars and board of equalization.

H. 166. Relating to Conecuh County; providing for a monthly clerical assistance allowance for the tax assessor of said county and specifically repealing Act No. 334, H. 921 of the Regular Session 1973 (Acts of 1973, p. 476), which Act provides for such an allowance for the months of October, November and December, only, making the provisions of this Act effective July 1, 1975.

H. 243. Relating to Clarke County; authorizing the county commission of said county to provide data processing computerized services

or other electronic systems, including micro-filming equipment, for the offices of the probate judge, tax assessor and the tax collector; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and shall be subject to the recommendation and approval of the probate judge of said county.

H. 244. To provide for a clerk or clerks in the offices of the Tax Collector and Tax Assessor of Clarke County, Alabama, and to fix the method and basis of the employment and compensation of such clerk or clerks, and to make such compensation payable out of the General Fund of said County.

H. 245. Relating to Clarke County; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

H. 247. Relating to Macon County; to provide for and create a County Racing Commission for the regulation, licensing and supervision of dog racing, and wagering thereon; to prescribe the composition, appointment, powers and duties of the commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereto, and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county, and to provide for the severability of the parts, sections and provisions of the act.

H. 232. Relating to Tuscaloosa County; to amend further Act No. 56, H. 285, Regular Session 1953 (Acts of 1953, p. 76) an act levying additional privilege or license taxes in Tuscaloosa County, so as to exempt tangible personal property purchased outside said county from the use tax levy.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 59. To amend Section 333, Title 52, Code of Alabama, which provides for the charging of an application fee for teachers' certificates and earmarks the use of said fees; and further provides for the repeal of Section 350 of the same title which provides for the disposition of fees paid by the applicants for teachers' certificates.

RESOLUTION

The following resolution was introduced:

By Mr. Carothers:

H. R. 15. Pursuant to motion in writing previously filed NOW BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, delete rule 48, page 25 of the rules of the House of Representatives of the State of Alabama;

BE IT FURTHER RESOLVED THAT the rule book show such deletion.

Mr. Carothers moved to suspend the rules in order to bring up for immediate consideration the resolution, H. R. 15.

Mr. Manley offered the following amendment to the resolution:

Amend House Resolution 15 by renumbering all subsequent rules, after the deletion of Rule 48, on page 25, in that section of the RULES OF THE HOUSE OF REPRESENTATIVES OF ALABAMA.

On motion of Mr. Manley, the amendment was adopted.

And the resolution, H. R. 15 as amended, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 4. To provide for three conferences to be attended by members of the Constitution and Elections Committee of the House of Representatives, members of the Constitution and Elections Committee of the Senate, members of the Alabama Constitutional Commission and other designated Legislators.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

ELECTIONS

The Speaker announced that elections would be held for members of the Legislative Council, the Building Commission, and the Legislative Committee on Examiners of Public Accounts.

In the elections the following were nominated for members:

LEGISLATIVE COUNCIL

Messrs. Gafford, Hill, McNeese, Robertson, McCluskey and Owens.

BUILDING COMMISSION

Messrs. Carter, Sasser, Waggoner and Callahan.

LEGISLATIVE COMMITTEE ON EXAMINERS OF PUBLIC ACCOUNTS

Messrs. Baker, Martin, Naramore, Brindley and Barron.

The Speaker then called for a voice vote on election of the nominees for all of the Commissions, and they were duly elected.

RECESS

On motion of Mr. Callahan, the House recessed until 6:20 o'clock p. m.

HOUSE RECONVENED

The hour of 6:20 o'clock p. m. having arrived, the House reconvened. The Speaker called the House to order.

JOINT SESSION

The hour of 6:20 o'clock p. m. having arrived, the Senate and House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives, in accordance with House Joint Resolution No. 14 heretofore adopted, for the purpose of hearing an address by the Honorable George C. Wallace, Governor of the State of Alabama.

The Joint Session was called to order by the Honorable Jere Beasley, Lieutenant Governor and Presiding Officer of the Senate.

GOVERNOR'S MESSAGE

His Excellency, George C. Wallace, Governor of the State of Alabama, appeared before the Joint Session and delivered in person his message.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Naramore:

H. J. R. 16. COMMENDING THE BIRMINGHAM SOUTHERN BASEBALL TEAM FOR WINNING THE REGION FIVE BASEBALL CHAMPIONSHIP.

WHEREAS the Birmingham Southern "Panthers" won the Region Five NAIA baseball championship;

WHEREAS there were four states involved, Alabama, Georgia, Tennessee, and Arkansas; and

WHEREAS the Birmingham Southern baseball team worked diligently, long and hard to achieve their outstanding record. The team exhibited spectacular ability both at the plate and in the field; and

WHEREAS Coach Roy Mewbourne and his assistants are due much credit not only for the high degree of technical skill displayed in team play but also for the fine spirit and will to win which is necessary to a winning team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Birmingham Southern "Panthers" for winning the Region Five NAIA baseball championship.

BE IT FURTHER RESOLVED That we wish the team continued success as they strive for the National NAIA title at St. Joseph, Missouri.

BE IT FURTHER RESOLVED That copies of this Resolution be sent to Coach Roy Mewbourne and each team member.

On motion of Mr. Naramore, the rules were suspended and the resolution, H. J. R. 16, was adopted.

Also:

By Mr. White:

H. J. R. 17. CREATING A SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICARE AND MEDICAID PROGRAMS.

WHEREAS the Medicare and Medicaid programs of the State of Alabama are taking a larger and larger portion of the funds in the state treasury; and

WHEREAS the nursing home programs under the medicare and medicaid programs are costing more and more; and

WHEREAS the members of the general public and state officials are becoming alarmed at the increasing cost of these programs to the state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That there is hereby created a joint select committee to be composed of five members of the House and five members of the Senate to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the medicare and medicaid program with particular emphasis on the increasing cost to the state of such programs. The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifteenth legislative day of the 1975 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman, provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee.

On motion of Mr. White, the rules were suspended and the resolution, H. J. R. 17, was adopted.

Also:

By Mr. Johnson:

H. R. 18. RESOLVING THAT THE HOUSE NOT MEET BEFORE 1:30 P. M. IF THEY MEET ON THURSDAY, JUNE 5, IN ORDER THAT BOYS STATE MAY USE THE HOUSE CHAMBER.

WHEREAS Alabama Boys State sponsored by the American Legion desires to use the House Chamber for its annual activities up until 1:30 on June 5; and

WHEREAS this is a worthy and worthwhile cause; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That if they do meet and convene

on Thursday, June 5, 1975, they will not convene and go into session before 1:30 P. M. on said date.

BE IT FURTHER RESOLVED That the Clerk of the House keep a copy of this memorandum in order that he might remind the membership of the House should they propose to convene on said date.

On motion of Mr. Johnson, the rules were suspended and the resolution, H. R. 18, was adopted.

Also:

By Messrs Sandusky, Sonnier, Harris, Waggoner, McMillan, Glass, Mitchem and Andrews:

H. J. R. 19. CONGRATULATING REPRESENTATIVE H. L. "SONNY" CALLAHAN ON THE BIRTH OF HIS BABY GIRL KELLY LYNN.

WHEREAS Representative H. L. "Sonny" Callahan and his wife have recently had born to them a darling little girl who they have named Kelly Lynn; and

WHEREAS "Sonny" fathered this child at the amazing and astonishing age of forty-two; and

WHEREAS we believe this to be "Sonny's" sixth child, after having so many it is hard to keep track; and

WHEREAS Representative Callahan feels he must continue having children in order to keep up the family tradition and increase the possible membership of the Friendly Sons of Saint Patrick; and

WHEREAS this Legislature would like to commend "Sonny" for this tremendous effort and congratulate him for his success in this endeavor; now therefor,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do Congratulate Representative H. L. Callahan upon the birth of his baby girl, Kelly Lynn.

On motion of Mr. Sandusky, the rules were suspended and the resolution, H. J. R. 19, was adopted.

Also:

By Mr. Plaster:

H. R. 20. CHALLENGING THE DODDERING OLD MEN OF THE SENATE TO A BASEBALL GAME.

WHEREAS the Senate apparently feels it is superior to the House in all things and the House wants a chance to prove its superior and outstanding athletic ability in a three inning game of baseball to be held at Patterson Field in Montgomery, the Home of the Montgomery Rebels; and

WHEREAS the House has chosen as completely disinterested and unbiased referees John Pemberton and Joe McCorquodale and does call upon the Senate to also choose two equally disinterested referees; and

WHEREAS the manager of the Montgomery Rebel Baseball Team has graciously agreed that the House and the Senate can play three innings immediately prior to the regularly scheduled Rebel game on the 10th day of June, 1975 or on the 25th day of June, 1975; now therefore

BE IT RESOLVED BY THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That they do challenge the members of the Senate to meet them at Patterson Field, the Home of the Rebels, on the 10th day of June, 1975 or on the 25th day of June, 1975 for a three inning baseball game to begin at 7:30 p. m.

BE IT FURTHER RESOLVED That the Clerk of the House distribute copies of this resolution to the news media in order that members of the general public might be on hand to clap for and cheer on the sterling and outstanding youths of the House and to appropriately boo and hiss the villianous and bad old men of the Senate.

On motion of Mr. Plaster, the rules were suspended and the resolution, H. R. 20, was adopted.

Also:

By Messrs. Owens, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 21. Welcoming the return of Representative Frank Jackson

WHEREAS Rep. Frank Jackson is recovering from a recent illness; and

WHEREAS Rep. Jackson is back on the job for the first time since his illness; and

WHEREAS we have missed his smiling face and personable manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we welcome his recovery and return to the legislature.

BE IT FURTHER RESOLVED, That a copy of this resolution be given to Rep. Frank Jackson.

On motion of Mr. Owens, the rules were suspended and the resolution, H. J. R. 21, was adopted.

Also:

By Mr. Crowe:

H. J. R. 22. HONORING ROY B. MORGAN FOR HIS LEADERSHIP AS AN ALABAMA FORESTER.

WHEREAS, over the last fifty years developments in the field of professional forestry have made significant contributions to the American economy and to the ecological well-being of this state and nation,

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through its advancements in research and technical assistance in many areas, and as the State of Alabama, through its professional Foresters, has actively benefited from these advancements, and

WHEREAS, the late Roy B. Morgan was, for over forty years, an aggressive and leading practitioner of professional forestry in Alabama and the South, in both the government and private sectors; and was a board member of the Alabama Forestry Commission; known in his profession as a "Forester's Forester"; an outstanding botanist; and innovator in forest and environmental protection, conservation, and management practices; active in many civic projects; whose advice and counsel were sought throughout the nation; a man whose complete and life-long dedication to his work earned him the respect and admiration of those who knew him, and

WHEREAS, the Alabama Forestry Commission has recognized his many contributions to forestry and authorized an annual memorial award to be made in his name, the Alabama Legislature wishes to commend the Alabama Forestry Commission for its action, and to join in expressing its appreciation for the benefits rendered to forestry and to the people of Alabama by Roy B. Morgan, Now Therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That by the passage of this resolution, it joins the Alabama Forestry Commission in recognition and appreciation of the many years of service of Roy B. Morgan and honors his name and leadership as an Alabama Forester.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. J. R. 22, was adopted.

Also:

By Mr. Crowe:

H. J. R. 23. CREATING THE LONG-RANGE HIGHWAY DEVELOPMENT STUDY COMMITTEE.

WHEREAS the Governor of the State of Alabama in recognition of the fact that a long-range program of highway development in Alabama is vital to industrial and agricultural growth and to the future of well-being of the people of Alabama; and

WHEREAS the Governor desires that this highway system be adequate to meet the expanding needs of Alabama citizens, and the cost of highway construction, maintenance and administration to support such an adequate highway system be derived from a soundness of scope, efficient performance, and fiscal responsibility in both policy and planning; and

WHEREAS the State Highway Department, working under authorization of the Governor and, in concert with the Alabama Citizens for Transportation (ACT)—a voluntary state-wide citizens group—and research teams from Auburn University's School of Engineering and University of Alabama's School of Business and Commerce have, during the past 18 months spent more than 6,000 man-hours in a study of Alabama's long-range highway needs as related to—(1) commuter benefits (direct savings to Alabama's working men and women and traveling to job from home and return), (2) industrial growth, (3) recreation, (4) tourism, (5) safety and (6) ecology; and

WHEREAS findings from such study having been forwarded to Governor George C. Wallace recommending the enactment of a long-range highway plan based on the aforementioned criteria which will

establish continuity to highway construction, thereby enabling the Alabama State Highway Department to operate at maximum efficiency, thus saving Alabama taxpayers millions of dollars; and

WHEREAS the enactment of a long-range highway program will indicate to Alabama taxpayers exactly what their dollars are buying, and therefore, enhance public confidence in a responsible and tangible expenditure of public funds; and

WHEREAS the aforementioned study is the most detailed and comprehensive evaluation of Alabama's future highway ever undertaken and this evaluation and its subsequent implementation will be of immeasurable benefit to all Alabamians and encourage the judicial expenditure of taxpayer's dollars for a highway system that will meet Alabama's needs for the next twenty years; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a Legislative Study Committee which shall be composed of ten members, five each to be appointed by the presiding officer of the House and the Senate and who shall choose their chairman and vice-chairman at their first meeting, shall be formed to examine all aspects of the aforementioned study and work in close concert with the Alabama Highway Department, the leaders of Alabama Citizens for Transportation (ACT) and other interested Alabamians. The committee shall hold public hearings if deemed appropriate and shall make diligent inquiry and a full examination of Alabama's long-term future highway needs and they shall file their reports of their findings and recommendations to the Alabama Legislature not later than the tenth legislative day of the 1975 Regular Session at which time the committee shall be dissolved.

Upon the request of the chairman the secretary of the Senate and the clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee when the Legislature is not in session or when the Legislature is in recess without pay. Such sums shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

The resolution, H. J. R. 23, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Porter:

H. J. R. 24. COMMENDING DR. HERBERT E. GILVIN FOR HIS MANY YEARS OF SERVICE AS PASTOR OF THE GREEN LIBERTY BAPTIST CHURCH IN BIRMINGHAM.

WHEREAS Dr. Herbert E. Gilvin has served as pastor of the Green Liberty Baptist Church for 53 years; and

WHEREAS during his pastoral he has brought comfort to many a yearning soul; and

WHEREAS he has given peace of mind to the many individuals whom he has consoled during his life; and

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WHEREAS Dr. Gilvin has exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowman; and

WHEREAS he is a man of integrity and dignity, loyal to his friends, devoted to his family and dedicated in his sense of duty and responsibility to his church and state; and

WHEREAS this legislature would like to pay tribute to this great but humble man who has made and will continue to make a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That we do commend Dr. Herbert E. Gilvin for his many years service to the people of the Birmingham area through his efforts as pastor of the Green Liberty Baptist Church.

On motion of Mr. Porter, the rules were suspended and the resolution, H. J. R. 24, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Owens, McCorquodale, Burgess, Manley, Crowe, Callahan, Carothers, Carter, Plaster, Hines, Sandusky, Smith (C), Morris, Folmar, Warren, Clark, Coburn, Greer, Weeks, Brindley, Killian, White, Holley, Teague, Dial, Roberts, Kelley, Mitchem, Ford, Gafford, Moore (O), McCulley, Baker, Whatley, Sasser, Smith (J), Drake, Martin, Cross, McMillan, Crawford, Williams, Johnson, Moore (W), Lee, McNees, Waggoner, Sparks, Sonnier, Cooper, Smith (M), Higginbotham, Kinsey, Pegues, Rich, McCluskey, Biddle, Quarles, Starkey, Malone, Hill, Andrews, Glass, Jackson (F), Wyatt, Boles, Hall, Riddick and Armstrong:

H. 249. To further amend Section 89, Title 36, Code of Alabama 1940, as amended, which section regulates the size of motor vehicles allowed to travel on the public highways of this state, so as to further regulate the size of certain motor vehicles.

Commerce and Transportation.

By Messrs. Owens, McCorquodale, Burgess, Manley, Crowe, Callahan, Carothers, Carter, Hines, Plaster, Sandusky, Morris, Smith (C), Folmar, Warren, Clark, Coburn, Greer, Weeks, Brindley, Killian, White, Holley, Teague, Dial, Roberts, Kelley, Mitchem, Ford, Gafford, Moore (O), McCulley, Baker, Whatley, Sasser, Smith (J), Drake, Martin, Cross, McMillan, Crawford, Williams, Johnson, Moore (W), Lee, McNees, Waggoner, Sparks, Sonnier, Cooper, Smith (M), Higginbotham, Kinsey, Pegues, Rich, McCluskey, Biddle, Quarles, Starkey and Malone:

H. 250. To provide that any person who violates the vehicle load limitations to Title 36, Section 89, Code of Alabama, 1940, as amended, shall be conclusively presumed to have damaged public roads; to establish a schedule of damages to be assessed against such persons; to provide a schedule of damages to be assessed against persons operating under permits authorized by Title 36, Section 91, Code of Alabama, 1940, as amended, but exceeding the limits allowed by such permits; to provide that damages assessed under the provisions of this Act shall be paid, before an offending vehicle may be moved, to a member of The Alabama Highway Department of Public Safety or to any other

officer duly authorized to enforce the vehicle weight laws; to provide that damages collected shall be paid to the State Treasury and credited to the General Fund; to require the unloading of all gross weight in excess of 6,000 pounds over legal weight limit; to authorize the seizure of any offending vehicle whose owner or operator fails to pay the monies prescribed by this Act; to provide for repeal of all inconsistent laws or parts of laws; to declare that the provisions of this Act severable; and to set the date upon which this Act will become effective.

Commerce and Transportation.

By Messrs. Owens, Crowe, Kinsey, Carothers, Sandusky, Cooper, Holley, Robertson, McNair, Ford, Smith (B), Coburn, Folmar, Biddle, Whatley, Smith (M), Baker, Higginbotham, McNees, Goodwin, Martin and Cross:

H. 251. To amend Section 120 and Section 158 of Act 407, H. B. 198, Regular Session, 1971, (Acts of Alabama, 1971, Volume II, Page 774), as amended, which regulates the licensing of insurance agents, by limiting the persons to whom licenses may be issued and establishing qualifications required for said persons to be issued a license.

Insurance.

By Messrs. Owens, Manley and McCorquodale:

H. 252. To amend Section 343 of Title 55, Code of Alabama 1940, Recompiled 1958, as amended, to provide for an increase in the awarding authority of the State Board of Adjustment.

Ways and Means.

By Mr. Owens:

H. 253. To amend and re-enact sub-section (a) of Section 34, of Title 36, Code of Alabama, 1940, as amended, by adding thereto a new sub-section, relating to tire equipment on motor vehicles, to prohibit the operation on the highways of the state any vehicle with unsafe tires, to provide tire conditions which are unsafe and to prohibit the sale of unsafe tires.

Commerce and Transportation.

By Mr. Smith (M) (With Notice and Proof):

H. 254. Providing that the Probate Judge of Randolph County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Local Legislation No. 1.

Notice and Proof H. 254:

STATE OF ALABAMA
COUNTY OF RANDOLPH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Providing that the Probate Judge of Randolph County shall appoint one or more regular clerks in the probate office as deputy registrars

empowered to take applications for voter registration at any time the probate office is open for business.

Be It Enacted by the Legislature of Alabama:

Section 1. The Probate Judge of Randolph County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications, testimony and oath of applicants for voting registration at any time the probate office is open to the public for business; such applications will then be submitted to the Board of Registrars at their next meeting and the Board shall notify the applicants in writing of their action thereon.

Section 2. The Board of Registrars is hereby authorized and empowered to promulgate such rules and regulations necessary to carry out the provisions of this act.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF RANDOLPH

Before me, the undersigned authority in and for said County in said State, this day personally appeared John B. Stevenson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Roanoke Leader, a newspaper of general circulation published in Randolph County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 26, April 2, April 9, and April 16, all in the year 1975.

JOHN B. STEVENSON.

Sworn to and subscribed before me 18th April, 1975.

W. E. MONTGOMERY,
Notary Public.

By Mr. Smith (M) (With Notice and Proof):

H. 255. Relating to Randolph County: providing further for the compensation of election officials.

Local Legislation No. 1.

Notice and Proof H. 255:

STATE OF ALABAMA COUNTY OF RANDOLPH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Randolph County: providing further for the compensation of election officials.

Be It Enacted by the Legislature of Alabama:

Section 1. In Randolph County the officers appointed to hold elections, upon proper proof of services rendered, shall each be entitled to four dollars (\$4.00) a day in addition to all other compensation provided for by law. In case of a municipal election or primary, the additional compensation shall be paid by the city or town holding the election or primary; in all other cases the additional compensation shall be paid by the county and no part thereof shall be paid or refunded by the state.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
RANDOLPH COUNTY

Before me, Owen N. Shelnutt, a notary public in and for said state and county, appeared John B. Stevenson, publisher of The Randolph Press, a newspaper published in Wedowee, Randolph County, who, being duly sworn, deposes and says that a notice advertising a bill to be entitled an act, providing further for the compensation of election officials in Randolph County appeared in said paper in the issues of March 26, April 2, April 9, and April 16 and that a copy of said notice is hereto attached.

JOHN B. STEVENSON.

Sworn to and subscribed before me this the 6 day of May, 1975.

OWEN N. SHELNUTT,
Notary Public.

By Mr. Smith (M) (With Notice and Proof):

H. 256. Relating to Randolph County: To provide further for the distribution of fines and forfeitures in certain cases.

Local Legislation No. 1.

Notice and Proof H. 256:

A BILL
TO BE ENTITLED
AN ACT

Relating to Randolph County: To provide further for the distribution of fines and forfeitures in certain cases.

Be It Enacted by the Legislature of Alabama:

Section 1. One-half of all fines and forfeitures hereafter paid by persons convicted in courts of competent jurisdiction within Randolph County of violations of the rules of the road, or the laws of this State relating to or regulating traffic or the operation of motor vehicles upon

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the highways of this State, shall be paid into the fine and forfeiture fund of Randolph County, and the remainder shall be remitted by the proper authority to the State Treasurer, who shall credit the same to the proper fund in the State Treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
RANDOLPH COUNTY

Before me, Owen N. Shelnett, a notary public in and for said state and county, appeared John B. Stevenson, publisher of The Randolph Press, a newspaper published in Wedowee, Randolph County, who, being duly sworn, deposes and says that a notice advertising a bill to be entitled an act, providing further for the distribution of fines and forfeitures in certain cases in Randolph County appeared in said paper in the issues of March 26, April 2, April 9, and April 16, 1975 and that a copy of said notice is hereto attached.

JOHN B. STEVENSON.

Sworn to and subscribed before me this the 6 day of May, 1975.

OWEN N. SHELNUTT,
Notary Public.

By Messrs. Smith (M), Higginbotham, Morris and Turnham (With Notice and Proof):

H. 257. To amend the title and Section 2 of Act No. 476, H. 305, Regular Session 1973 (Acts 1973, p. 691), which act relieves the chief clerk of the probate judge of Chambers County of certain duties, so as to correct an error in a citation to a certain act.

Local Legislation No. 1.

Notice and Proof H. 257:

NOTICE

STATE OF ALABAMA
COUNTY OF CHAMBERS

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend the title and Section 2 of Act No. 476, H. 305, Regular Session 1973 (Acts 1973, p. 691), which act relieves the chief clerk of the probate judge of Chambers County of certain duties, so as to correct an error in a citation to a certain act.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and Section 2 of Act No. 476, H. 305, Regular Session 1973 (Acts 1973, p. 691), which act relates to the duties of the

chief clerk of the probate judge of Chambers County are amended to read as follows:

"An Act Relating to Chambers County; relieving the chief clerk of the probate judge of such county of any duties as purchasing agent for the county; and authorizing the governing body to appoint another such purchasing agent; repealing conflicting laws and specifically repealing Act No. 494, H. 928, Regular Session 1953 (Acts 1953, p. 621).

"Section 2. All laws or parts of laws in conflict herewith are hereby repealed, and Act No. 494, H. 928, Regular Session 1953 (Acts 1953, p. 621), is expressly repealed."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CHAMBERS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. Bonnie Hand, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Publisher of the The LaFayette Sun, a newspaper of general circulation published in Chambers County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 19, March 26, April 2, and April 9, all in the year 1975.

MRS. BONNIE HAND.

Sworn to and subscribed before me April 25, 1975.

GEORGE A. JACKSON,
Notary Public.

By Messrs. Smith (M), Higginbotham, Morris and Turnham (With Notice and Proof):

H. 258. Relating to Chambers County; to authorize and permit persons who are drawing retirement from the state to be employed on a part-time basis by the county; to prescribe certain limitations thereon and to repeal conflicting statutes.

Local Legislation No. 1.

Notice and Proof H. 258:

NOTICE

STATE OF ALABAMA COUNTY OF CHAMBERS

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Chambers County; to authorize and permit persons who are drawing retirement from the state to be employed on a part-time

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basis by the county; to prescribe certain limitations thereon and to repeal conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby declared to be lawful and permissible in Chambers County for persons who are retired from the state and are drawing retirement income from the state to be employed on a part-time basis by said county provided that such persons, in the opinion of the employing authority, are physically and mentally able to perform the required duties of the part-time position. Under no circumstances shall any retired state employee, employed under the terms of this Act, serve in a full-time capacity or replace a full-time employee.

Section 2. Such retired state employee shall continue to receive all retirement benefits that such retired state employee would receive if he or she were not employed by the county.

Section 3. The responsibility for compliance with the provisions of this Act is hereby placed upon the employing authority and each retired state employee employed under the provisions of this Act shall certify to the employing authority any information required in order to carry out the provisions of this Act.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CHAMBERS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. Bonnie Hand, who, being by me first duly sworn, deposes and says that during the times herein mentioned she is Publisher of the The LaFayette Sun, a newspaper of general circulation published in Chambers County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 19, March 26, April 2, and April 9, all in the year 1975.

MRS. BONNIE HAND.

Sworn to and subscribed before me April 25, 1975.

GEORGE A. JACKSON,
Notary Public.

By Messrs. Smith (M), Higginbotham, Morris and Turnham (With Notice and Proof):

H. 259. Providing that the Probate Judge of Chambers County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Local Legislation No. 1.

Notice and Proof H. 259:

NOTICE

STATE OF ALABAMA
COUNTY OF CHAMBERS

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Providing that the Probate Judge of Chambers County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Be It Enacted by the Legislature of Alabama:

Section 1. The Probate Judge of Chambers County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications, testimony and oaths of applicants for voting registration at any time the probate office is open to the public for business; such applications will then be submitted to the Board of Registrars at their next meeting and the Board shall notify the applicants in writing of their action thereon.

Section 2. The Board of Registrars is hereby authorized and empowered to promulgate such rules and regulations necessary to carry out the provisions of this act.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CHAMBERS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. Bonnie Hand, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Publisher of the The LaFayette Sun, a newspaper of general circulation published in Chambers County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 19, March 26, April 2, and April 9, all in the year 1975.

MRS. BONNIE HAND.

Sworn to and subscribed before me April 25, 1975.

GEORGE A. JACKSON,
Notary Public.

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By Messrs. Smith (M), Higginbotham, Morris and Turnham (With Notice and Proof):

H. 260. Relating to Chambers County; to regulate further the compensation of the coroner of Chambers County.

Local Legislation No. 1.

Notice and Proof H. 260:

NOTICE

STATE OF ALABAMA
COUNTY OF CHAMBERS

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Chambers County; to regulate further the compensation of the coroner of Chambers County.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Chambers County is authorized to fix the compensation of the county coroner at an amount not exceeding twenty-four hundred dollars (\$2,400) annually, plus mileage at the rate per mile prescribed by state law for necessary travel in the performance of his duties. This amount shall be received by the coroner in lieu of all other compensation heretofore prescribed for such coroner by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CHAMBERS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. Bonnie Hand, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Publisher of the The LaFayette Sun, a newspaper of general circulation published in Chambers County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 19, March 26, April 2, and April 9, all in the year 1975.

MRS. BONNIE HAND.

Sworn to and subscribed before me April 25, 1975.

GEORGE A. JACKSON,
Notary Public.

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By Messrs. Smith (M), Baker, Owens, Smith (C), Whatley and Jackson (F):

H. 261. To amend Title 51, Section 182, Code of Alabama 1940, as amended, to change the date for payments on telephone companies business.

State Administration.

By Messrs. Smith (M), Baker, Owens, Smith (C), Whatley and Jackson (F):

H. 262. To amend Title 51, Section 180, Code of Alabama 1940, as amended, to change the privilege tax payment dates for license on railroads.

State Administration.

By Messrs. Smith (M), Baker, Owens, Smith (C), Whatley and Jackson (F):

H. 263. To amend Title 51, Section 179, Code of Alabama 1940, as amended, to change the date for payments on hydroelectric power tax.

State Administration.

By Messrs. Holmes, Hilliard, McNair, Harrison, Cooper, Kennedy, Reed, Lewis, LeFlore and Tucker:

H. 264. To provide that each year the second Monday in January shall be deemed a state holiday in memory of Doctor Martin Luther King's birthday which is January 15th.

State Administration.

By Messrs. Holmes, Wyatt, Lewis and Plaster:

H. 265. To require at least one member of the board of registrars in all counties having populations of not less than 150,000 nor more than 180,000 according to the most recent or any subsequent decennial census to visit each legislative house district for the purpose of accepting forms for the reidentification of voters and for the purpose of accepting applications for the registration of voters; to provide for the designation of places to be visited; to provide further for the compensation and mileage of members of the board.

Local Legislation No. 4.

By Messrs. Holmes, Hilliard, Sonnier, Wyatt, Coburn, Boles, Lewis, Harris, Hines, Sasser, Hill, Hall, Hopping, Porter, McNair, Crowe, Harrison, Falkenburg, Morris, Johnstone, Holley, White, Glass, Malone, McCulley, Gafford, Robertson, Owens, Plaster, Barron, Weeks, Quarles, Carothers, Warren, Reed, Turnham, Smith (C), Smith (J), LeFlore, Greer, Burgess, Williams, Crawford, Higginbotham, Whatley, Baker, Smith (M), Dial, Edwards, Kelley, Ford, McNees, Andrews, Jolly, Howard, Teague, Cates and Tucker:

H. 266. To require all judges of this state to consider certain criteria in exercising their discretion for the purpose of determining whether persons accused of misdemeanors shall be released on their own recognizance in lieu of posting bail bond.

Judiciary.

By Mr. Naramore:

H. 267. To provide for the authorization of the Alabama Department of Industrial Relations to promulgate and enforce reasonable rules

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and regulations relating to employer-employee safety, sanitation and adequate shelter as affecting the welfare and health of railroad employees in places of employment.

Commerce and Transportation.

By Messrs. Naramore, Robertson, Johnson, Biddle, Kinsey, Callahan, Hill, Wyatt, Waggoner, Martin, Trammell, Crowe, Andrews, Hall, Sandusky, Boles, Riddick, Ford, Taylor, Weeks, McNair, Drake and Coburn:

H. 268. To require the granting, under certain circumstances, of either overtime pay or compensatory leave to law enforcement officers in the service of the state, county, municipality, or any agency thereof.

Ways and Means.

By Mr. Cross:

H. 269. Relating to all counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent or any subsequent federal decennial census; to provide an additional expense allowance for the board of equalization.

Local Legislation No. 1.

By Messrs. Biddle, White, Boles, Gafford, Jolly, Hopping, Falkenburg, Hall, Moore (O) and Trammell (With Notice and Proof):

H. 270. To amend Section 6 of Act No. 217 of the 1966 Special Session of the Legislature of Alabama approved August 30, 1966 (Acts of Alabama, 1966, Special Session Page 280 et seq.) Entitled "An Act To Provide A Separate Retirement and Relief System For Certain Of The Presently Active Employees Of The City Of Birmingham Who Entered the Service Of The Fire Department Of Said City Prior to September 19, 1939, And To Whom Is Applicable The Pension and Relief System Provided By Act No. 307 Of The 1943 Regular Session Of The Legislature Of Alabama, as Amended, And Act Number 22 Of The Second Special Session Of The Legislature Of Alabama Of 1956, To Include In Said Separate System Dependents Of Said Presently Active Employees; And To Render Said Act No. 307 and Act Number 22 Inapplicable To Said Certain Presently Active Employees And Their Dependents."

Local Legislation No. 2.

Notice and Proof H. 270:

Notice is hereby given of intention to apply in any Special Session or Regular Session of the 1975 Legislature of Alabama for the adoption of an Act which will be substantially as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 6 of Act No. 217 of the 1966 Special Session of the Legislature of Alabama approved August 30, 1966 (Act of Alabama, 1966, Special Session Page 280 et seq.) Entitled "An Act To Provide A Separate Retirement and Relief System For Certain Of The Presently Active Employees Of The City Of Birmingham Who Entered The Service Of The Fire Department Of Said City Prior To September 19, 1939, And To Whom Is Applicable The Pension and Relief System Provided By Act No. 307 Of The 1943 Regular Session Of The Legislature Of Alabama, As Amended, And Act Number 22 Of The Second Special

Session Of The Legislature Of Alabama Of 1956, To Include In Said Separate System Dependents Of Said Presently Active Employees; And To Render Said Act No. 307 and Act Number 22 Inapplicable To Said Certain Presently Active Employees And Their Dependents."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 6 of Act No. 217 of the 1966 Special Session of the Legislature of Alabama approved August 30, 1966 (Alabama Acts, 1966, Special Session Page 280 et. seq.) be amended to read as follows:

"Section 6. Retirement Allowances.—(a) Any member of the system who shall have now or hereafter accumulated twenty-five or more years of creditable time, shall be entitled to voluntarily retire from the service and obtain a retirement allowance, and if, being so entitled to voluntarily retire and obtain a retirement allowance he should voluntarily retire, or be involuntarily retired from the service, he shall be entitled to a monthly retirement allowance from the treasury as hereinafter in this subsection (a) of this section specified. The monthly amount which shall be allowed any member of the system who shall be entitled to a retirement allowance under this subsection of this section shall be two per centum (2%) of his final average salary multiplied by such number of years of his creditable time as shall not exceed thirty-five years of his creditable time, but in no event shall monthly retirement allowance exceed seventy (70%) per cent of his final average salary. The amount of any retirement allowance under this subsection of this section shall commence to accrue at date of retirement. (b) The board may treat the end of the payroll period next before actual date of retirement of a member of the system as the date of his retirement for purposes of computation, and for such purposes may disregard a fraction of a year of creditable time less than one-fourth ($\frac{1}{4}$ th). (c) Subject to the provisions of subsections (d) and (e) of this section, the amount of any retirement allowance which may have commenced to accrue in accordance with the provisions of this act shall continue to accrue throughout the life of such person. (d) In the event of the death of any retired beneficiary in whose favor a monthly retirement allowance is accruing, or in the event of the death of any employee member entitled prior to his death to voluntarily retire and obtain a retirement allowance under subsection (a) of this Section 6, his spouse and child, or children shall be entitled to a monthly allowance in the amount hereinafter specified in this subsection (d), and such spouse shall be entitled to said monthly allowance without regard to the time during which the marriage lasted. No benefit shall be payable under this subsection (d) to a married child, or to a child over eighteen (18) years of age unless he is attending school, or to any child over twenty-one (21) years of age. A child shall be deemed to be attending school during his vacation between school terms, provided he attended school during the next preceding term and expects to return to school when the next term commences. The benefit payable under this subsection (d) shall be an amount equal to forty-five per centum (45%) of the retirement allowance the deceased employee was receiving when he died, or forty-five per centum (45%) of the monthly retirement allowance he would have been entitled to receive had he retired immediately before his death. Such benefit shall be payable to the deceased employee's spouse, or child or children, in the following order: (1) to the spouse; and (2) if there is no surviving spouse, then to the child or children of the deceased employee, if any according to the conditions prescribed. If two or more children are simultaneously entitled to receive the benefit, it shall be divided equally among the children so entitled. (e) If a member of the system be killed in the line of his duty his spouse, and child or children, shall be entitled to a monthly allowance in the amount and order herein

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specified in this subsection (e), subject to the conditions and limitations herein stated. All of the limitations and prohibitions prescribed in subsection (d), next above, in respect to the payment of a benefit to a spouse, or child or children, shall apply to the payment of such benefit to a spouse, or child under this subsection (e); provided, however, that the benefit provided for by this subsection (e) shall be payable without regard to the time during which the marriage between the deceased employee and such spouse existed. The benefit payable under this subsection (e) shall be payable to the classes named in the following order and in the following amounts: (1) To the employee's spouse, forty per centum (40%) of the final average salary of such employee. In addition, the spouse shall receive a monthly allowance of ten per centum (10%) of such average salary for each child of such deceased employee; provided, however, that payment of any benefit to the spouse on account of any child, shall be subject to all restrictions above imposed with respect to payment of a child; and provided, further, that the total amount of monthly allowance payable to the spouse for the spouse and for the children shall not exceed fifty per centum (50%) of the final average salary of the deceased employee. (2) If there is no surviving spouse, then there shall be paid to such deceased employee's child or children an amount equal to forty per centum (40%) of the deceased employee's final average salary. In such case the monthly allowance provided hereby for any child of such deceased employee shall be payable to the legal guardian of, or to the person who has custody of said child, for the use and benefit of said child provided, however, if such child may legally accept payment of such allowance, it shall be paid to him. (f) The amount of surviving spouse's allowance, provided for in (d) and (e) above, shall commence to accrue at the death of the deceased spouse and shall continue to accrue until the surviving spouse's death. (g) The rights of any person heretofore or hereafter retired from the service shall continue to be measured and governed by the terms of the system in effect at the time of such retirement, and should such person die during continuance of such retirement the rights of the spouse and dependents of any other deceased person, shall be measured and governed by the terms of the system in effect at the time of the death of such deceased person and the foregoing provisions of this subsection (g) shall control over anything heretofore or hereafter in the system which may be construed to the contrary.

Section 2. The provisions of this Amendatory Act are severable. If any part of the Act is declared invalid, unconstitutional or improperly included therein, such declaration shall not affect the part or parts which remain.

Section 3. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared ELEANOR ABERCROMBIE FOSTER, who, by me duly sworn, deposes and says that she is the PUBLISHER OF ALABAMA MESSENGER, (formerly the Alabama Legal Advertiser and the Birmingham Messenger), a weekly newspaper of GENERAL CIRCULATION, PUBLISHED and PRINTED in Jefferson County, Alabama, and which has been in CONTINUOUS WEEKLY PUBLICATION SINCE 1918, And that there was published in said newspaper in the

issues of February 15, 22, March 1, 8, 1975, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER,
Publisher.

Sworn and subscribed to on this the 10th day of March, 1975.

KAREN W. ABERCROMBIE,
Notary Public.

By Messrs. Naramore, Crowe, Waggoner, Manley, Folmar, Robertson, McCluskey, Reed, Pegues, Sparks, Gafford, Harrison, Baker, Carter, Moore (W), Martin, Mitchem, Cross, Cooper, Johnstone, Glass, Harris, Hines, McMillan, Kinsey, Callahan, Jackson (F), Smith (J), Weeks, Andrews, Plaster, Lewis, Coburn, Smith (C), Porter, Moore (O), White, Greer, McNair, Clark, Killian and Howard:

H. 271. To make appropriations for the support and maintenance of the Walker County Junior College located at Jasper, in Walker County.

Ways and Means.

By Mr. Naramore:

H. 272. To provide further for the safety of railroad employees; to grant the Department of Industrial Relations certain powers to enforce the provisions of this Act.

Commerce and Transportation.

By Messrs. Carter, Coburn, Greer, Hill, Moore (W):

H. 273. To amend Act No. 627, H. 1019, 1965 Regular Session (Acts 1965, p. 1142, now appearing in Code of Alabama, Recompiled 1958, Title 38, Section 135) entitled "An Act Relating to the development of the Elk River Watershed area; creating the Elk River Development Agency as an agency of the State of Alabama for such purpose; prescribing its authority, powers, duties, functions, and management; authorizing the agency to issue bonds, and the counties of Lauderdale and Limestone and municipalities therein to contribute funds and levy taxes for its use.

State Administration.

By Messrs. Carter, Moore (W) (With Notice and Proof):

H. 274. Relating to Limestone County; to provide further for the salary and meetings of the board of education.

Local Legislation No. 1.

Notice and Proof H. 274:

STATE OF ALABAMA
COUNTY OF LIMESTONE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Limestone County; to provide further for the salary and meetings of the board of education.

Be It Enacted by the Legislature of Alabama:

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Section 1. Each member of the board of education in Limestone County shall receive from the public school funds a salary of \$125 per month for attending the regular meetings of the board now required by law. In addition, the board is authorized to hold special meetings at their discretion. Such salary shall be the only compensation and allowance for attendance of the meetings of the board. Provided, however, the necessary expenses of the board members outside the confines of the county or state shall be in addition to the above salary provided such out-of-county or out-of-state expenses are incurred only upon approval of the board of education.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall be effective upon the expiration of the term of office of the current members of the board of education.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LIMESTONE

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. R. Nelson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was General Manager of the Athens News Courier, a newspaper of general circulation published in Limestone County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 1, 8, 15, and 22, all in the year 1975.

W. R. NELSON.

Sworn to and subscribed before me this 23rd of April, 1975.

EDNA B. BRACKEEN,
Notary Public.

By Messrs. Carter and Moore (W):

H. 275. Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to provide for paying the expenses of deputy sheriffs attending any school or training program where their expenses are not otherwise provided for by law.

Local Legislation No. 1.

By Messrs. Carter and Moore (W):

H. 276. Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to authorize the county governing body of such counties to appropriate public funds to the use of rescue squads incorporated under the nonprofit corporation laws of this state.

Local Legislation No. 1.

By Messrs. Carter and Moore (W):

H. 277. To provide in all counties having populations of not less than 39,500 nor more than 41,750 according to the most recent federal

decennial census, for the rate of publication of any quarterly or annual report published by the county governing body.

Local Legislation No. 1.

By Messrs. Carter and Moore (W):

H. 278. Relating to counties having populations of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to limit the liability of sheriffs for the acts of his deputies where he does not participate or where they do not act under his direction and control; to authorize the employment of an attorney out of county funds to advise and represent the sheriff.

Local Legislation No. 1.

By Messrs. Carter and Moore (W) (With Notice and Proof):

H. 279. Relating to Limestone County; to empower the several district commissioners on the county commission or other like governing body to authorize the opening of any grave within their district for the interment services of deceased individuals and to repeal all conflicting statutes.

Local Legislation No. 1.

Notice and Proof H. 279:

STATE OF ALABAMA
COUNTY OF LIMESTONE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Limestone County; to empower the several district commissioners on the county commission or other like governing body to authorize the opening of any grave within their district for the interment services of deceased individuals and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. In Limestone County, it shall be lawful for the several district commissioners, serving as members of the county commission or other like governing body, to authorize the opening of any grave within their district for the interment services of deceased individuals.

Section 2. All laws or parts of laws in conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LIMESTONE

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. R. Nelson, who, being by

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me first duly sworn, deposes and says that during the times herein mentioned he is General Manager of the Athens News Courier, a newspaper of general circulation published in Limestone County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 1, 8, 15, and 22, all in the year 1975.

W. R. NELSON.

Sworn to and subscribed before me this 23rd of April, 1975.

EDNA B. BRACKEEN,
Notary Public.

By Messrs. Carter and Moore (W) (With Notice and Proof):

H. 280. To provide further for the compensations and expense allowances of certain officers of Limestone County.

Local Legislation No. 1.

Notice and Proof H. 280:

STATE OF ALABAMA
COUNTY OF LIMESTONE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide further for the compensations and expense allowances of certain officers of Limestone County.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all compensation and expense allowances heretofor provided by law for officers of Limestone County, the following additional expense allowances are hereby granted to the following officers of Limestone County:

Sheriff	\$150.00 per month
Probate Judge	175.00 per month
Tax Collector	160.00 per month
Circuit Clerk	160.00 per month
Superior Court Judge	200.00 per month
Coroner	25.00 per month
Chairman County Commission	175.00 per month
Members County Commission	150.00 per month
Tax Assessor	160.00 per month
County Solicitor	100.00 per month

The expense allowances provided by this Section shall cease upon the expiration of the term of office that each respective officer is presently serving.

Section 2. The compensation of the following officers of Limestone County shall, upon the beginning of the next term of each respective office, be as follows:

Sheriff — \$15,000.00 annual with \$150.00 month expense allowance
Chm. County Comm. — \$15,500.00 annual with \$100.00 month expense allowance
Mem. Co. Comm. — \$10,000.00 annual with \$100.00 month expense allowance
Probate Judge — \$15,000.00 annual with no expense allowance
Tax Assessor — \$12,500.00 annual with no expense allowance
Tax Collector — \$12,500.00 annual with no expense allowance
Cir. Court Clerk — \$12,500.00 annual with no expense allowance
County Solicitor — \$7,500.00 annual with \$50.00 monthly expense allowance
Coroner — \$2,400.00 annual plus mileage at State average rates.

The compensation provided above shall, upon its becoming effective, be the total compensation of the above officers. It is the intent of this section to replace all expense allowances heretofor provided for such officers.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF LIMESTONE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bob Bryan, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Athens News Courier, a newspaper of general circulation published in Limestone County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 22, 29, May 6, and 13, all in the year 1975.

BOB BRYAN.

Sworn to and subscribed before me 14 day of May, 1975.

EDNA B. BRACKEEN,
Notary Public.

By Messrs. Kinsey, Sonnier, Hill, Jackson (F), Johnson, Warren, Glass and Folmar:

H. 281. To provide for a guaranteed minimum starting wage or salary for all state, county, municipal, or political subdivision law enforcement officers of this state and provide for the enforcement of the provisions of this act.

Ways and Means.

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By Messrs. Kinsey, McCluskey, Callahan, Merrill, Plaster, Wyatt, Falkenburg and McMillan:

H. 282. To amend Title 48, Sections 215, 216, 217, 222, and 223, Alabama Code 1940, which provides for the appointment and exercise of powers of Railway Policemen, so as to provide the Governor power to enter into reciprocal agreements with other states, allowing Railway Policemen to exercise their power and authority in other states; to allow such policemen to register with the Secretary of State.

Commerce and Transportation.

By Messrs. McMillan, McCulley, Warren, Carothers, Campbell, White, Crowe, Smith (C), Sonnier, Carter, Smith (B), Cates, Baker, McCluskey, Dial, Kelley, Kinsey, Sandusky, Smith (M), Waggoner and Moore (O):

H. 283. To authorize the County Commission or like governing body of each of the several counties to appoint an Engineer Trainee; to provide for the qualifications and duties of such Engineer Trainee; and to provide for State participation in the salary of such Engineer Trainee appointed.

Ways and Means.

By Messrs. McMillan, McCulley, Warren, Campbell, Carothers, Crowe, Smith (C), Sonnier, Carter, Smith (B), Cates, Baker, Dial, Kelley, Sandusky, Smith (M), Coburn, Waggoner, and Moore (O):

H. 284. To require the County Commission or like governing body of each of the several counties to make an annual publication on or before the 30th day of October of each year in a newspaper published in the county of an itemized report showing receipts, expenditures and financial condition of the county on a form to be prescribed by the Chief Examiner of Public Accounts of the State of Alabama and to repeal Sections 22, 23 and 24, of Title 12, Code of Alabama 1940, and to repeal all other conflicting laws local or general.

Local Government.

By Messrs. McMillan, McCulley, Warren, Campbell, White, Crowe, Smith (C), Sonnier, Carter, Smith (B), Cates, Baker, Dial, Kelley, Venable, Kinsey, Sandusky, Smith (M), Waggoner and Moore (O):

H. 285. To amend Title 36, Section 53, of the Code of Alabama 1940, and to repeal all laws, general or local in conflict therewith.

Ways and Means.

By Messrs. McMillan, McCulley, Warren, Crowe, Campbell, White, Smith (C), Sonnier, Carothers, Carter, Smith (B), Cates, Hines, Baker, Dial, Kelley, Venable, Kinsey, Sandusky, Smith (M), Coburn, Waggoner and Moore (O):

H. 286. To amend Section 115 of Title 12, Code of Alabama 1940.

Judiciary.

By Messrs. McMillan, McCulley, Crowe, Warren, Campbell, White, Smith (C), Sonnier, Carothers, Carter, Smith (B), Cates, Hines, Baker, Dial, Kelley, Venable, Kinsey, Sandusky, Smith (M), Coburn, Waggoner and Moore (O):

H. 287. To authorize the County Commission or like governing body of each of the several Counties of the State to join and participate

in a National and State Association of County Commissions and to appropriate such funds as it may deem necessary for the maintenance and support of such Association.

Ways and Means.

By Messrs. McMillan, McCulley, Warren, Campbell, Crowe, Smith (C), Carothers, Sonnier, Starkey, Carter, Smith (B), Cates, Baker, Folmar, Dial, Kelley, Kinsey, Sandusky, Smith (M), Coburn, Waggoner and Moore (O):

H. 288. To provide that all monies received by Counties from motor vehicle license taxes and registration fees shall be deposited in a fund known as the Public Highway and Traffic Fund and used for the purpose of construction, improvement and maintenance of public highways or streets including administrative expenses in connection therewith, retirement of securities evidencing obligations incurred for payment of cost of such construction, improvement and maintenance, costs of traffic regulation and expense of enforcing state traffic and motor vehicle laws.

Ways and Means.

By Messrs. Turnham and Teague:

H. 289. To appropriate such funds necessary to The Alabama Post Secondary 1202 Commission in order to develop a comprehensive student assistance program and to qualify the State of Alabama for federal assistance under Title IV.

Ways and Means.

By Messrs. Turnham, Whatley and Higginbotham (With Notice and Proof):

H. 290. To amend further the title and Section 1 of Act No. 394, H. 828, Regular Session 1961 (Acts 1961, p. 406), as amended, so as to further provide for deputies and assistants to the sheriff of Lee County; giving this act retroactive effect.

Local Legislation No. 1.

Notice and Proof H. 290:

STATE OF ALABAMA COUNTY OF LEE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend further the title and Section 1 of Act No. 394, H. 828, Regular Session 1961 (Acts 1961, p. 406), as amended, so as to further provide for deputies and assistants to the sheriff of Lee County; giving this act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 853, H. 1152, Regular Session 1961 (Acts 1961, p. 406), as amended, is hereby further amended to read as follows:

"An Act To provide for a chief deputy and other deputies and assistants to the sheriff of Lee County, and to repeal Act No. 231, H. 598, Acts of Alabama, Regular Session 1959, vol. 1, p. 777, and all other conflicting laws; giving this act retroactive effect."

Section 2. Section 1 of Act No. 853, H. 1152, Regular Session 1961 (Acts 1961, p. 1292) is hereby further amended to read as follows:

"Section 1. The Lee County Commission shall provide the Sheriff of the County with not more than one chief deputy, four assistant chief deputies, four investigators, thirteen assistant deputies, four jailers, one chief deputy clerk and one assistant deputy clerk. The number of deputies may be employed at the discretion of the Lee County Commission.

"The chief deputy shall receive not less than eight hundred fifty dollars (\$850.00) nor more than One Thousand dollars (\$1,000.00) monthly; the assistant chief deputies shall receive not less than seven hundred fifty dollars (\$750.00) nor more than nine hundred dollars (\$900.00) monthly; the investigators shall receive not less than eight hundred dollars (\$800.00) nor more than nine hundred fifty dollars (\$950.00) monthly; each assistant deputy shall receive not less than seven hundred dollars (\$700.00) nor more than eight hundred fifty dollars (\$850.00) monthly; each jailer shall receive not less than five hundred dollars (\$500.00) nor more than six hundred fifty dollars (\$650.00) monthly; the chief deputy clerk shall receive not less than five hundred fifty dollars (\$550.00) nor more than seven hundred dollars (\$700.00) monthly; the assistant deputy clerk shall receive not less than five hundred fifty dollars (\$550.00) nor more than seven hundred dollars monthly (\$700.00). These salaries are to be paid out of the general fund of the county."

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall take effect January 1, 1976.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF LEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Neil O. Davis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Auburn Bulletin, a newspaper of general circulation published in Lee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 20, April 27, May 4, and May 11, all in the year 1975.

NEIL O. DAVIS,
Publisher.

Sworn to and subscribed before me May 14, 1975.

ALICE M. WHITE,
Notary Public.

By Mr. Turnham:

H. 291. Relating to taxation; amending Section 613, Title 51, Code of Alabama (1940), as last amended, which relates to the licensing of vending machines.

Ways and Means.

By Mr. Turnham:

H. 292. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Ways and Means.

By Messrs. Lee, Hines, Taylor, Merrill, Manley, Armstrong, Crowe, Johnson, Harrison, White, Owens, Clark, Brindley, Jolly, McNees, Greer and Leonard:

H. 293. To be known as the Alabama Criminal Code reforming the penal law; enacting a new penal code setting out general principals, defining offenses, and affixing punishments; repealing replaced law for this state.

Judiciary.

By Mr. McCluskey (With Notice and Proof):

H. 294. Relating to Coosa County; to provide an expense allowance for the sheriff and to give the provisions of this Act retroactive effect.

Local Legislation No. 1.

Notice and Proof H. 294:

STATE OF ALABAMA
COUNTY OF COOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Coosa County; to provide an expense allowance for the sheriff and to give the provisions of this Act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Coosa County shall be entitled to an expense allowance of \$250 per month to be paid from any funds controlled by the county commission. This expense allowance shall be in addition to any and all other compensation or allowances prescribed by law for said sheriff and he shall not have to account to any one in regards to drawing or expending said expense allowance.

Section 2. The provisions of this Act shall be retroactive to January 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF TALLADEGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Charles H. Greer, who, being

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by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Sylacauga News, a newspaper of general circulation published in Talladega County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 20, 1975; March 27, April 3, and April 10, all in the year 1975.

CHARLES H. GREER.

Sworn to and subscribed before me April 10, 1975.

SUE B. CANDLE,
Notary Public.

By Mr. McCluskey:

H. 295. To repeal Act No. 432, S. 665, 1973 Regular Session (Acts of 1973, p. 625), and Act No. 583, H. 1603, 1973 Regular Session (Acts of 1973, p. 840), which are identical Acts and which are both entitled "An Act Relating to counties having populations of not less than 10,660 nor more than 10,900 according to the most recent federal decennial census; to provide for an expense allowance for the sheriff in such counties; to repeal conflicting laws."

Local Legislation No. 1.

By Mr. McCluskey:

H. 296. To amend Section 170 of Act No. 407 of the Regular Session 1971, approved August 25, 1971, entitled, "An Act to provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations; and the admission of foreign alien insurance companies, societies, and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies and associations organized, existing, or authorized under this Act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violations of this Act; to repeal certain laws and Acts, and for other purposes;" so as to authorize the Commissioner of Insurance to issue licenses to nonresident persons in cases where the applicant for license is sponsored to the Department of Defense to solicit life and disability insurance from military personnel of the United States on military bases of such country outside its continental limits and within the geographical limits of jurisdictions which do not regulate the solicitation of such applications for insurance on such military bases.

Insurance.

By Messrs. Malone, Reed, Jackson (R), Robertson, McNair, Harrison, Hopping, Howard, Crowe, Teague, Quarles, Trammell, McCulley,

Albright, Cooper, LeFlore, Glass, Naramore, Kennedy, Wyatt, Ford, Johnson, Hilliard, Porter, Tucker, Coburn, Johnstone, Taylor, Holmes and Lewis:

H. 297. To provide a State Collective Bargaining Law for employees of the State and any political subdivision thereof and for employees in non-profit institutions financially aided from public funds; making an appropriation out of the general fund to carry out the provisions of this Act.

Ways and Means.

By Mr. Malone (With Notice and Proof):

H. 298. To alter, rearrange and add to the limits of the City of Chickasaw in Mobile County, Alabama, and to alter and rearrange the limits of the City of Mobile in Mobile County, Alabama, by removing certain areas from the limits of the City of Mobile and adding same to the limits of the City of Chickasaw, and to describe the area so removed from the City of Mobile and so added to the City of Chickasaw.

Local Legislation No. 3.

Notice and Proof H. 298:

LEGAL NOTICE

Notice is hereby given that a Bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To alter, rearrange and add to the limits of the City of Chickasaw in Mobile County, Alabama, and to alter and rearrange the limits of the City of Mobile in Mobile County, Alabama, by removing certain areas from the limits of the City of Mobile and adding same to the limits of the City of Chickasaw, and to describe the area so removed from the City of Mobile and so added to the City of Chickasaw.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Chickasaw in Mobile County, Alabama are altered, rearranged and extended to include within the corporate limits of said City the parcels of land hereinafter described, and the boundaries of the City of Mobile in Mobile County, Alabama are altered and rearranged to exclude from the corporate limits of said city the said parcels described as follows:

PARCEL 1

Beginning at the point of intersection of the south line of the City Limits of Chickasaw with the east boundary line of Craft Highway, run southwardly along the east boundary line of Craft Highway 1091 feet, more or less, to the intersection of said boundary line with the north boundary line of Callahan Drive; thence run in an easterly direction along said boundary line of Callahan Drive 865 feet, more or less, to a point being the southwest corner of the property of Lerio Corporation; thence run north 0° 16' 15" east along the west property line of Lerio Corporation 616 feet, more or less to a point being the northwest corner of the property of Lerio Corporation; thence run north 75° 23' 15" east 356 feet, more or less, along the north property

line of said corporation to a point being the intersection of an extension of said property line with the east line of Telegraph Road; thence run northerly along the east boundary line of Telegraph Road 506 feet, more or less, to the north line of a 50-foot railroad right-of-way, which is the south line of the existing Chickasaw City Limits; thence run westwardly along the north line of said 50-foot railroad right-of-way for 40 feet, more or less, to a point on the center line of Telegraph Road; thence turn right $75^{\circ} 36'$ and run along said center line for a distance of 292.88 feet to a point; thence turn left $89^{\circ} 15'$ and run westwardly along the line between Gaylords (formerly Arkell and Smith's) and Ray Brooks for a distance of 243.57 feet to a point on the east line of a 50-foot railroad spur right-of-way; thence run southwardly 140.08 feet along said east right-of-way line which lies on an arc of a curve to the left, having a radius of 294 feet, said arc being subtended by a chord of 138.76 feet which forms a deflection angle of $103^{\circ} 39'$ with the last described line; thence turn right $76^{\circ} 30'$ from an extension of said chord and run southwestwardly 50 feet to a point; thence turn left $62^{\circ} 51'$ and run southwardly 189.10 feet to a point on the north boundary of Twelfth Avenue Extension; thence run easterly along said north boundary of Twelfth Avenue Extension a distance of 230.89 feet to a point on the west right-of-way line of Telegraph Road; thence run southeastwardly along said west boundary line a distance of 61.84 feet to a point on the south boundary of Twelfth Avenue; thence run westwardly along said south boundary line of Twelfth Avenue a distance of 948 feet to a point on the east boundary of Craft Highway, which is the Point of Beginning.

PARCEL 2

Beginning at the point of intersection of the north and east lines of Section 21, 13S, R1W, in Mobile County, Alabama, run west along the north line of Section 21 to a point which is the intersection of the west line of U. S. Highway 43 and the north line of Section 21; thence run northwardly along the west line of U. S. Highway 43 to a point which is the intersection of the west line of U. S. Highway 43 and the south bank of Chickasaw Creek; thence run easterly along the south bank of said Chickasaw Creek a distance of 210 feet, more or less, to its junction with the east right-of-way line of U. S. Highway 43; thence continue easterly along the south bank of Chickasaw Creek for 75 feet, more or less, to the west line of the Alabama, Tennessee, and Northern Railroad; thence run southerly along the west line of the Alabama, Tennessee and Northern Railroad for 3100 feet, more or less, to a point on the east line of said Section 21, thence run northerly along the east line of said Section 21 for 1800 feet, more or less to the point of beginning.

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Joyce Butt being sworn, says that she is Bookkeeper of the Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Press, The Mobile Register March 12, 19, 26, April 2, 1975.

JOYCE BUTT.

Sworn to and subscribed before me this 7 day of April, 1975.

E. E. KOCH,
Notary Public.

By Messrs. Malone and McMillan:

H. 299. To limit the amount of service charge which can be added to a bill at an establishment which serves food or beverages primarily for consumption on the premises, to 15% of the amount of the bill; and to require that adequate notice must be given to the customer before such service charge can be added, and that 100% of any such service charge must be remitted to the employee or employees who actually render the service.

Public Welfare.

By Messrs. White, Andrews, Gafford, Biddle, Weeks, Greer, Starkey, Hines, Sasser, Sonnier, Owens, Quarles, Moore (O), Carothers, Smith (B), Pegues, Campbell, Kinsey, Hopping, Goodwin, Williams, Burgess, Ford, McCulley, McMillan, Higginbotham, Warren, Wyatt, McNair, Cates, Waggoner, Holley, Callahan, Dial, Edwards, Moore (W), Carter, Boles, Roberts, Kelley, Smith (C), Holmes, Hall, Robertson, Malone, Reed, Plaster, LeFlore, Howard, Johnson, Sandusky, Barron, Venable, McNees, Trammell and Riddick:

H. 300. To establish a Patients' Compensation Board of Alabama to hear and determine claims for bodily injuries or death to patients as a consequence of tort or breach of contract by health care providers; to establish rules, procedures and facilities to implement and accomplish the purpose of the Act; to require warranties of cure to be in writing; to provide for the compulsory effect of the Act, both for minors and adults; to provide for rejection of the Act; to provide that the provisions of the Act, except with regard to the limitation on the time for filing claims, are not retroactive; to provide for the composition and method of selection of the Patients' Compensation Board of Alabama; to provide for the restriction of employment and removal of Board members; to provide for the compensation and facilities for the Board and staff; to provide procedures for trial and appeal of cases brought before the Board; to provide a schedule of compensation and benefits for awards under this Act; to establish "running awards"; to provide for payment of certain awards to the trustee of legally disabled persons; to provide that claims under this Act are not assignable; to establish a schedule for attorney contingent fees for claims brought under this Act; to provide for a limitation on the time within which a claim under this Act must be filed; to guarantee the financial responsibility of health care providers and to provide the source for the funding of the administration of the Act; to provide rules for the issuance of insurance policies under this Act; to authorize the Insurance Commissioner to establish an Alabama Joint Underwriting Association (JUA) and to provide rules for such JUA; and to provide for the funding of the Act.

Health.

By Messrs. Manley and Pegues (With Notice and Proof):

H. 301. To authorize the Marengo County Commission to pay an expense allowance to the judge of probate in Marengo County, and to make the provisions of this act retroactive.

Local Legislation No. 1.

Notice and Proof H. 301:

STATE OF ALABAMA
COUNTY OF MARENGO

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

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A BILL
TO BE ENTITLED
AN ACT

To authorize the Marengo County Commission to pay an expense allowance to the judge of probate in Marengo County, and to make the provisions of this act retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. The Marengo County Commission is hereby authorized to pay from the general fund of the county to the judge of probate in Marengo County, in addition to all other sums provided by law, a monthly expense allowance for clerical assistance of not more than five hundred dollars (\$500), the exact amount to be fixed and determined at the discretion of the county commission.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act shall be retroactive to January 1, 1974.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARENGO

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jim T. McKay, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Demopolis Times, a newspaper of general circulation published in Marengo County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 4-3-75, 4-10-75, 4-17-75, and 4-24-75, all in the year 1975.

JIM T. MCKAY.

Sworn to and subscribed before me May 15, 1975.

BETH MAYTON,
Notary Public.

By Messrs. Manley and Kinsey:

H. 302. To authorize and empower the State Commissioner of Revenue to enter into reciprocal agreements in regard to the withholding and payment of state income taxes by the personnel of interstate common carriers.

Ways and Means.

By Messrs. Manley and Campbell:

H. 303. To require any utility or telephone company that is required to obtain a certificate of convenience and necessity under Title 48, Section 105 or Section 332 of the 1940 Code of Alabama from the Alabama Public Service Commission for the construction of any new facility to first obtain such certificate before instituting condemnation proceedings before the Probate or other courts of the state to condemn the land on which such new facility would be located; to require that the hearing on the granting of such certificate be conducted in the county where the preponderance of the subject land lies; and

to provide for entry on such land and for damages for such entry under certain circumstances; to repeal all laws or parts of laws in conflict herewith and to provide for the effective date of this Act.

Judiciary.

By Messrs. Manley, McCorquodale, Merrill, Owens, Jackson (F), Mitchem, Robertson, Wyatt, Glass, Coburn, Crowe, Burgess, Waggoner, Gafford, Moore (O), McCluskey, Harris, Dial, Armstrong, Lee, White, Roberts, Falkenburg, Smith (C), Killian, Clark, Higginbotham, Callahan, Sandusky, McNair, Hall, Sparks and Cates:

H. 304. To amend Section 37 of Act No. 516, H. 769, Regular Session 1949 (Acts of Alabama 1949, p. 740), so as to regulate further traffic control signal legends.

Judiciary.

By Messrs. Manley, Falkenburg, Coburn, Carter, Roberts, Robertson, Armstrong, Clark, Owens, Cates and Lutz:

H. 305. To provide procedures for emergency and involuntary commitment of mentally ill persons for hospitalization and treatment; To provide minimum standards necessary for involuntary commitment; To provide for the payment of cost of commitment proceedings; and to repeal conflicting laws.

Judiciary.

By Messrs. Manley, White, Gafford, Sasser, Callahan, Armstrong:

H. 306. To amend and re-enact Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, pg. 1699); entitled, An Act to establish a state ethics commission and to provide a state ethics law, which: requires disclosures of certain economic interests and certain family connections to be filed by state officials and certain state employees and by persons having certain business dealings with the state or its agencies or instrumentalities, proscribes certain practices by state officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this Act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by county and municipal officials needed to safeguard the public trust in such governmental units, so as to amend the title and certain sections; to eliminate section 14; and to renumber certain sections.

State Administration.

By Mr. Reed:

H. 307. To provide for the licensing and regulation of social workers, certified social workers, and certified specialty social workers including clinical social workers; to establish and define the duties and powers of the State Board of Social Work Examiners; to make violation of this Act a misdemeanor, and prescribe a penalty therefor.

Public Welfare.

By Mr. Reed:

H. 308. To regulate the collection, sale, labeling, and use of blood; providing a penalty for the violation of the Act.

Health.

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By Messrs. Brindley, Mitchem, Carter, Greer, Gafford, Jackson (F), Albright, McNees, Weeks, Moore (W), Goodwin, Coburn, Killian, Kelley, Quarles, Ford, Taylor:

H. 309. To permit local governmental units and boards of education and school superintendents to cooperate in order to establish and operate joint educational facilities and services, and to regulate contracts relative thereto.

Education.

By Mr. Folmar:

H. 310. To amend Section 2 of Act No. 25, H. 50, Second Special Session 1975, approved March 10, 1975, entitled "An Act Relating to all counties having a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census; providing an expense allowance for the Judge of the Inferior Court of that county and providing an expense allowance for the County Solicitor of that county," so as to correct a technical omission in said Section 2 and to give the provisions of this amendatory act retroactive effect to March 10, 1975.

Local Legislation No. 1.

By Messrs. Holley and Folmar:

H. 311. Proposing an amendment to the Constitution of Alabama to authorize regulation of the fees, commissions, percentages, allowances and compensation of county officers of Coffee County and of costs and charges of courts in said county.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Folmar, Venable, Callahan, LeFlore, Crowe, Naramore, Williams, Crawford, Holley, Cates, Plaster, Kinsey, McMillan, Robertson, Hopping, Andrews, McNees, Coburn, Greer, Hill, Sasser, Wyatt, Lewis, Smith (C), Smith (J), Barron, Hines, Jackson (F), Carter, White, Morris, Glass, Cooper, Harrison and McCluskey:

H. 312. Defining, regulating and providing for the licensing of employment agencies; providing for the revocation and suspension of licenses subject to appeal; requiring the Department of Industrial Relations to enforce and administer this Act and defining its powers and duties relative thereto; creating and providing for the appointment, term, duties and compensation of an advisory board on licensing of employment agencies to assist the Department of Industrial Relations in administering this Act; prescribing penalties; and repealing conflicting laws.

Ways and Means.

By Mrs. Quarles (With Notice and Proof):

H. 313. To authorize and provide for a referendum in St. Clair County to determine the sentiment of the voters relative to whether the chairman of the county commission shall be elected or the judge of probate shall be ex officio a member and the chairman of the commission; and to provide for filling the chairmanship of the governing body in the manner favored by the voters of the county at such referendum.

Local Legislation No. 1.

Notice and Proof H. 313:

STATE OF ALABAMA
COUNTY OF ST. CLAIR

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize and provide for a referendum in St. Clair county to determine the sentiment of the voters relative to whether the chairman of the county commission shall be elected or the judge or probate shall be ex officio a member and the chairman of the commission and to provide for filling the chairmanship of the governing body in the manner favored by the voters of the county at such referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of St. Clair County shall order and provide for the holding of a referendum on the same day as the general election in 1976. the purpose of this referendum shall be to determine the sentiment of the voters of St. Clair County relative to whether the chairman of the county commission shall be elected or the judge or probate shall be ex officio a member and chairman of the commission. On the ballot to be used at the election the question shall be stated substantially as follows: Which of the following do you favor? (Check one only).

1. The chairman of the St. Clair County Commission shall continue to be elected as at present

2. The judge of probate of St. Clair County shall be ex officio a member and chairman of the St. Clair County Commission.

If a majority of the votes cast at the election are for the first option above, then the provisions of this Act shall have no further force of effect. If a majority of the votes cast in the election are for the second option above, then the following provisions of this Act shall become effective. The results of the election, however, shall be certified by the judge of probate of St. Clair County to the secretary of state, who shall make a permanent record thereof.

Section 2. At the general election in 1978 a successor to the chairman of the county governing body shall not be elected. Upon the expiration of the term of the incumbent chairman of the St. Clair County Commission the judge of probate of St. Clair County shall immediately become a member and ex officio chairman of the St. Clair County Commission which was created by Act. No. 56 H, 72 of the Third Special Session of 1971 (Acts 1971 p. 4263); and he shall perform all of the duties and have all of the authority vested by such Act in the chairman of the commission... Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

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STATE OF ALABAMA
ST. CLAIR COUNTY

On this 6th day of May 1975, personally appeared before me Patricia R. Mitchell, Notary Public, in and for the County and State aforesaid, Larry M. Camp, who being duly sworn according to Law, declares that he is Managing Editor of the "St. Clair News-Aegis," a newspaper published in the city of Pell City, in the County of St. Clair, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in the "St. Clair News-Aegis" on the following dates: 4/10/17/24/ 5/2/75.

LARRY M. CAMP.

Subscribed and sworn to before me, this 6th day of May, A.D., 1975.

PATRICIA R. MITCHELL.
Notary Public.

By Messrs. Quarles, Reed and Albright:

H. 314. To provide for the control and disposal of solid wastes as generated by the general public, businesses, institutions, and industry, and to require counties and municipalities to provide for the collection and disposal of solid wastes and authorize them to charge a fee therefor, and to contract for such services to be performed by others and to permit the formation of districts for areas beyond corporate limits or cooperative joint or mutual agreements between county governments and municipal governments for the operation and implementation of solid wastes management in a manner meeting public health standards, and granting authority for the establishment of rules and regulations to enforce the provisions of this Act, and to provide a penalty for violating this Act and rules and regulations pursuant thereto in the interest of the public health, comfort and safety.

Health.

By Messrs. Quarles, Reed and Albright:

H. 315. To amend Act No. 1937, H. 261, Regular Session 1971 (Acts of 1971, p. 3127), which act creates the continuing Women's Commission, so as to create a special fund to receive the annual appropriations of the commission, and to allow the commission to control its funds in a private banking account.

Ways and Means.

By Messrs. Armstrong, Hilliard, Ford and Glass:

H. 316. To amend Act No. 246, Page 203, Acts of 1943, which relates to the investment of funds of counties, cities and towns so as to provide that a savings and loan association, organized either under the laws of the State of Alabama or of the United States may be appointed as a depository of municipal or county funds.

Local Government.

By Messrs. Armstrong, Hilliard, Ford and Glass:

H. 317. To amend Sections 1 and 6 of Act No. 3, H. 64, approved June 20, 1967, (Acts of 1967, Vol. 1, p. 336), an act entitled "An Act to provide for the deposit of money of the state in state depositories in demand deposits and in time deposits, open account and to provide for the payment of interest on that money deposited in time deposits, open account; to provide for the payment of interest so earned into the State Treasury to the credit of the General Fund of the State; to

provide for the posting of security for such deposits in excess of amounts insured by Federal Deposit Insurance Corporation; to prescribe penalties for violations of this act, and to repeal inconsistent laws," so as to authorize the State Treasurer to deposit the money of the state in a savings and loan association organized either under the laws of the State of Alabama or of the United States.

Banking.

By Messrs. Armstrong, Hilliard, Ford and Glass:

H. 318. To further amend Section 4, Title 12, Code of Alabama 1940, as amended, so as to provide that a savings and loan association, organized either under the laws of the State of Alabama or of the United States, may be appointed as a depository for county funds.

Local Government.

By Messrs. Armstrong, Hilliard, Ford and Glass:

H. 319. To amend Sections 379, 380, 383, 388 and 389 of Title 55, Code of Alabama 1940, relating to state depositories and procedures in connection therewith, so as to provide that a savings and loan association, organized under the laws of the State of Alabama or of the United States, may be designated as a state depository and providing procedures therefor.

Banking.

By Messrs. Armstrong, Hilliard, Ford and Glass:

H. 320. To further amend Section 265, Title 37, Code of Alabama, 1940, which section relates to investment of sinking funds so as to provide that a savings and loan association, organized either under the laws of the State of Alabama or of the United States, may be appointed as a depository of sinking funds.

Banking.

By Messrs. Biddle, White, Waggoner, Trammell, Jolly, Moore (O), Hall, Armstrong, Falkenburg and Andrews:

H. 321. To amend Sections 1.07, 1.08, 3.01, 3.02, 3.04, 3.15, 4.01, 5.15 and 5.16 of Act No. 452 of the 1955 Regular Session of the Legislature of Alabama (providing a Mayor-Council form of government for cities having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census) as amended, so as to provide a city council for such cities consisting of eleven members, seven of whom shall be elected from districts and four of whom shall be elected from the city at large and to allow qualified electors of the city at least 21 years of age to become candidates for election to the City Council.

Local Legislation No. 2.

By Messrs. Biddle, Waggoner, Boles, Hall, Armstrong, White, Moore (O) and Trammell:

H. 322. To amend Section 139 of Title 37 of the Code of Alabama 1940, relating to the extension of limits of cities of 25,000 inhabitants or more; rights, powers and duties of cities so extended.

Local Government.

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By Mr. Biddle (With Notice and Proof):

H. 323. To alter, rearrange and extend the boundary lines and corporate limits of the City of Gardendale, in Jefferson County.

Local Legislation No. 2.

Notice and Proof H. 323:

Notice is hereby given of intention to apply at the regular session of the Legislature of Alabama of 1975 for the adoption of an act which will be as follows:

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Gardendale, in Jefferson County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Gardendale in Jefferson County, Alabama are hereby altered, rearranged and extended so as to include within the corporate limits of said city, in addition to the lands now included, all of the following territory, to-wit:

Commence at the northeast corner of the northwest quarter of section 4, township 16 south, range 2 west, Jefferson County, Alabama which is the point of beginning; thence run west along the north said quarter section to the southeast corner of section 32, township 15 south, range 2 west; thence run west along the south section line to the southeast corner of the southwest quarter of the southeast quarter of said section; thence run north along the east said quarter-quarter section line to the southwest corner of the northeast quarter of the northeast quarter of the southeast quarter of said section; thence run east along the south said quarter-quarter section to the southeast corner of said quarter-quarter section; thence run north along the east said quarter-quarter section line to the northeast corner of the southeast quarter of the northeast quarter of said section; thence run west along the north said quarter-quarter section line to the southeast corner of the northeast quarter of the northeast quarter of section 31, township 15 south, range 2 west; thence run north along the east said quarter-quarter section to the northeast corner of section 31, township 15 south, range 2 west; thence run west along the north said section to the northwest corner of said section; thence run south along the west said section line to the northeast corner of the northeast quarter of the southeast quarter of section 36, township 15 south, range 3 west; thence run west along the north line of said quarter-quarter section to the northwest corner of said quarter-quarter section; thence run south along the west said quarter-quarter section to the northeast corner of the southwest quarter of the southeast quarter of said section; thence run west along the north said quarter-quarter section to the northwest corner of the southeast quarter of the southwest quarter of said section; thence run south along the west said quarter-quarter section to the southwest corner of the southeast quarter of the southwest quarter; thence run east along the south said quarter-quarter section to the southeast corner of said section 36; thence run north along the east said section line to the southwest corner of the northwest quarter of the southwest quarter of section 31, township 15 south, range 2 west; thence run east along the south said quarter-quarter section to the southeast corner; thence run north along the east said quarter-quarter section to the southwest corner of the southeast quarter of the northwest quarter of said section; thence run east along the south said quarter-quarter section to the intersection with Cunningham Creek; thence

follow Cunningham Creek in a southeasterly direction to the west quarter quarter section line of the northwest quarter of the southeast quarter of said section; thence run south along the west quarter-quarter section line to the northwest corner of the southwest quarter of the southeast quarter of said section; thence run south along the west said quarter-quarter section to the northeast corner of the northeast quarter of the northwest quarter of section 6, township 16 south, range 2 west; thence run west along the north said quarter-quarter section to the northwest corner of said quarter-quarter section; thence run south along the west said quarter-quarter section to the southwest corner of said quarter-quarter section; thence run east along the south said quarter-quarter section to the northwest corner of the southwest quarter of the northeast quarter of said section; thence run south along the west said quarter-quarter section to the northeast corner of the southwest quarter of said section; thence run west along the north said quarter section to the northwest corner of said quarter section; thence run south along the west said quarter section to the northeast corner of the northeast quarter of the northeast quarter of section 12, township 16 south, range 3 west; thence run west along the north said quarter-quarter section to the northwest corner of said quarter-quarter section; thence run south along the west said quarter-quarter section to the northwest corner of the southeast quarter of the northeast quarter of said section; thence run south along the west said quarter-quarter section to the northeast corner of the southwest quarter of the southeast quarter section to the northeast corner of the southwest quarter of the southeast quarter of said section; thence run west along the north said quarter-quarter section to the northeast corner of Rolling Hills Estates, as recorded in Map Book 76, Page 51, of the public records of Jefferson County; thence run south along the east line of Rolling Hills Estates 616.31 feet; thence west along the south line of Rolling Hills Estates to the west line of said quarter-quarter section; thence run south along the west said quarter-quarter section to the southwest corner of said quarter-quarter section; thence run east along the south said quarter-quarter section to the southeast corner of said section 12; thence run north along the east line of said section to the southwest corner of the northwest quarter of the southwest quarter of section 7, township 16 south, range 2 west; thence run east along the south said quarter-quarter section to the northwest corner of the southeast quarter of the southwest quarter of said section; thence run south along the west said quarter-quarter section 660 feet more or less; thence run east parallel with the north said quarter-quarter section 1000 feet more or less; thence run south parallel with the east quarter-quarter section 330 feet more or less; thence run east parallel with the north said quarter-quarter section 330 feet more or less to the west quarter-quarter section line of the southwest quarter of the southeast quarter of said section; thence run south along the said quarter-quarter section to the northwest corner of the northeast quarter of section 18, township 16 south, range 2 west; thence run south along the west said quarter section to the southwest corner of said quarter section; thence run east along the south said quarter section to the northwest corner of the northeast quarter of the southeast quarter of said section; thence run south along the west said quarter-quarter section to the northeast corner of the southwest quarter of the southeast quarter of said section; thence run west along the north said quarter-quarter section to the northwest corner of the east one-half of said quarter-quarter section; thence run south along the west line of the east one-half of said quarter-quarter section to the south line of said quarter-quarter section; thence run east along said south line to the northwest corner of the northeast quarter of the northeast quarter of section 19, township 16 south, range

2 west; thence run east to the southeast corner of the southwest quarter of the southwest quarter of section 17, township 16 south, range 2 west; thence run north along the east said quarter-quarter section to the southwest corner of the northeast quarter of the southwest quarter of section 17, thence run east along said south quarter-quarter section to the southeast corner of said quarter-quarter section; thence run north along the east quarter-quarter section to the southwest corner of the northeast quarter of said section; thence run east along the south of said quarter section to the southeast corner of said quarter section; thence run north along the east quarter section to the northeast corner of said section, also being the southwest corner of section 9, township 16 south, range 2 west; thence run east along the south of said section to the southeast corner of the west one-half of the southwest quarter of the southeast quarter of section 9; thence run north along the east line of said west one-half to the south line of the northeast quarter of said section; thence run east along said south line to the southeast corner of the southwest quarter of the northeast quarter of said section; thence run north along the east said quarter-quarter section to the northeast corner of the northwest quarter of the northeast quarter of said section, also being the southeast corner of the southwest quarter of the southeast quarter of section 4, township 16 south, range 2 west; thence run north along the east said quarter-quarter section to the northeast corner of said quarter-quarter section; thence run west along the north said quarter-quarter section to the southeast corner of the northeast quarter of the southwest quarter of said section; thence run north along the east said quarter-quarter section to the southeast corner of the northwest quarter of said section; thence run north along the east line of said quarter section to the northeast corner of the northwest quarter of said section; being the point of beginning.

Less and except the following tracts of land:

(a) The northwest quarter of the northwest quarter of section 9, township 16 south, range 2 west; the south one-half of the southwest quarter of section 4, township 16 South, range 2 west and the southeast quarter of the southeast quarter of section 5, township 16 south, range 2 west.

(b) The northwest quarter of the northwest quarter of section 5, township 16 south, range 2 west and: Begin at the northwest corner of the northeast quarter of section 6, township 16 south, range 2 west; thence run south along the west said quarter-quarter section to the southwest corner of said quarter-quarter section; thence run east along the south said quarter-quarter section to the southeast corner of said quarter-quarter section; thence run north along the east line of said quarter-quarter section to the southeast corner of the north one-half of the northeast quarter of the northeast quarter of said section 6; thence run northwesterly to the northwest corner of the northeast quarter of the northeast quarter of said section 6; being the point of beginning.

(c) Property owned by the Pine Crest Country Club as shown by that certain deed recorded in Real Volume 483 Page 218 in the Office of the Judge of Probate of Jefferson County, Alabama.

(d) Property identified as New Castle Number 2 or individual properties; ten (10) as described in the following:

Lots numbered 50, 51, 53, 54, and 55; a part of lots numbered 57, 249, and 250. Lots numbered 251, 252 and 253. These lots or portions of are located in the northeast quarter of the southeast quarter of southeast quarter section 18, township 16 south, range 2 west.

A part of lots numbered 57 and 60 located in the extreme southeast corner of the northeast quarter of the southeast quarter section 18, township 16 south, range 2 west.

Lots numbered 203, 203A, 205, 206, 207, 208, 209, 210, 211, 212, 214, 215, 64, 65, 188, and 216. A part of lots numbered 187, 191, and 217, located in the south one-half of the northwest quarter of southwest quarter, section 17, township 16 south, range 2 west.

Lots numbered 248, and 219. Part of lots numbered 217, 218, 240, 242, 247, and 249, located in north one-third of the southwest quarter, of southwest quarter section 17, township 16 south, range 2 west.

Lots numbered 223, 225, 226, 228, 230, 231, 232, 233, 234 and 234A, fronting on Spruce Street and located in the center of the southwest quarter of southwest quarter of section 17, township 16 south, range 2 west.

Lots numbered 171, 172, 173, 174, 175, 176, 171A, 178, 179, 180, 181, 182, 183, 185, and 186. A part of lots numbered 187, 191, 167, 184 and 168 are located in the western half of the northeast quarter of the southwest quarter section 17, township 16 south, range 2 west.

Lots numbered 67, 68, 68A, 69, 69A, 70, 71, 73, 73A, 74, 76 and individual acreage number 1, located in the eastern one-half of the south west quarter of the northwest quarter section 17, township 16, south, range 2 west.

Lots numbered 78, 80, 81, 83, 85, 155, 157, 160, 164, 165 and 170. A part of lots numbered 86, 88, 168, and individual acreage number 4, are located in the southeast quarter of the northwest quarter section 17, township 16 south, range 2 west.

Lots numbered 140, 141, and a part of lot numbered 139 are located in the northwest quarter of the southwest quarter of northeast quarter section 17, township 16 south, range 2 west.

Lots numbered 89, 91, 144 and individual acreage numbered 9 and 10. Part of lots numbered 86, 143, 144A and individual acreage numbered 3, 4, and 7 are located in the Eastern one-half of the northeast quarter of the northwest quarter section 17, township 16 south, range 2 west.

Lots numbered 93, 94, 95, 96A, 142A, 143A, 135A, 136, 137, 138, and individual acreage number 8. Part of lots numbered 96B, 142, 143, 144A, 134A, 134, 135, 139 and individual acreage number 3 are located in the northwest quarter of the northeast quarter section 17, township 16 south, range 2 west.

Lots numbered 98, 98A, 142B, 100, 99, 97, 102, 103, 104, 105, 108, 109, 114, 115, and 116. A part of lots numbered 96, 101, 111, 117, 118, 119, 134A, 142 and individual acreage number 4, are located in the Southeast quarter of the southeast quarter section 8, township 16 south, range 2 west. A corner of lot 117 extends into the southeast corner of the northwest quarter of the southeast quarter section 8, township 16 south, range 2 west.

Lots numbered 113, 120, 121, 107, 122, 123, 127, 129, 130, 131, 132, 134B, 135B, 130A, 129 and 129A. A part of lots numbered 118, 119, 111, 106, 124, 133, 134A, and individual acreage number 2, are located in the southeast quarter of the southeast quarter section 8, township 16 south, range 2 west.

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A part of lots numbered 106, 124 and individual acreage number 2, extend into the southern portion of the northeast quarter of the southeast quarter section 8, township 16, south, range 2 west.

A part of lots numbered 133 and 134 are located in the northwest corner of the northeast quarter of the northeast quarter section 17, township 16 south, range 2 west.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared **ELEANOR ABERCROMBIE FOSTER** who, by me duly sworn, deposes and says that she is the **PUBLISHER OF ALABAMA MESSENGER**, (formerly the Alabama Legal Advertiser and the Birmingham Messenger), a weekly newspaper of **GENERAL CIRCULATION, PUBLISHED and PRINTED** in Jefferson County, Alabama, and which has been in **CONTINUOUS WEEKLY PUBLICATION SINCE 1918**, And that there was published in said newspaper in the issues of April 26, May 3, 10, 17, 1975, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER,
Publisher.

Sworn and subscribed to on this the 19th day of May, 1975.

KAREN W. ABERCROMBIE,
Notary Public.

By Messrs. Biddle, Waggoner, White, Falkenburg, Andrews, Harrison, Hall, Jolly, Hopping, Moore (O), Armstrong and Trammell:

H. 324. Relating to any county having a population of 600,000 or more inhabitants, according to the most recent decennial census; providing that all members of the public school boards of education in said county shall reside within the area over which the particular school system has jurisdiction; and providing that present members shall not lose their position and may be reelected.

Local Legislation No. 2.

By Mr. Dial (With Notice and Proof):

H. 325. Relating to Clay County, authorizing the governing body to employ such clerical and secretarial employees as may, from time to time, be deemed necessary, subject to the availability of county funds for such purposes.

Local Legislation No. 1.

Notice and Proof H. 325:

JOURNAL OF THE HOUSE, 1975
2nd Day

A BILL
TO BE ENTITLED
AN ACT

Relating to Clay County, authorizing the governing body to employ such clerical and secretarial employees as may, from time to time, be deemed necessary, subject to the availability of county funds for such purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Clay County is hereby authorized to employ such clerical and secretarial help for the various county officials of Clay County as shall be deemed necessary by the said county governing body, provided that there are sufficient funds in the county general fund which are allocable for such purposes.

Section 2. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CLAY

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. R. M. Ussery, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Publisher of the Ashland Progress, a newspaper of general circulation published in Clay County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 20, March 27, April 3, and April 10, all in the year 1975.

MRS. R. M. USSERY.

Sworn to and subscribed before me April 14, 1975.

BLANCHE ALEXANDER,
Notary Public.

By Mr. Dial (With Notice and Proof):

H. 326. Relating to Clay County, authorizing the county commission to retain one-half of the fines received for violations resulting from state trooper arrests in that county, and providing such funds be credited to the county general fund.

Local Legislation No. 1.

Notice and Proof H. 326:

STATE OF ALABAMA
COUNTY OF CLAY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

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A BILL
TO BE ENACTED
AN ACT

Relating to Clay County, authorizing the county commission to retain one-half of the fines received for violations resulting from state trooper arrests in that county, and providing such funds be credited to the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Clay County is hereby authorized to collect and deposit in the general fund of said county, fifty percent (50%) of all the monies received in payment of fines imposed in said county which are the result of arrests made by officers of the Alabama Department of Public Safety, which arrests occur within said county.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CLAY

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. R. M. Ussery, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Publisher of the Ashland Progress, a newspaper of general circulation published in Clay County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 20, March 27, April 3, and April 10, all in the year 1975.

MRS. R. M. USSERY.

Sworn to and subscribed before me April 11, 1975.

BLANCHE ALEXANDER,
Notary Public.

By Mr. Dial:

H. 327. To amend further the Code of Alabama, 1940, Title 51, Section 17, as last amended by Act No. 1216, H. 977, Regular Session 1973 (Acts of 1973, p. 2062), which code section provides for state-wide property tax classifications, so as to remove Clay County as an exempted county under said Section 17, and to provide that the state tax rate shall be applicable to said Clay County.

Ways and Means.

By Messrs. Williams and Sasser (With Notice and Proof):

H. 328. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Grimes in Dale County.

Local Legislation No. 1.

Notice and Proof H. 328:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF DALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Grimes in Dale County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Grimes in Dale County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

All that portion of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 21, T4N, R26E, that is North of Seaboard Coast Line Railroad, being 10 acres more or less; All that portion of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 21, T4N, R26E, that is Southeast of County Road Number 87 being 20 acres more or less; All that portion of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$, Section 21, T4N, R26E, being 80 acres more or less; All that portion of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$, Section 16, T4N, R26E, being 80 acres more or less; All that portion of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 16, T4N, R26E, being 40 acres more or less; All that portion of the SW $\frac{1}{4}$ of Section 15, T4N, R26E, being 160 acres more or less; All that portion of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$, Section 15, T4N, R26E, being 80 acres more or less; All that portion of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$, Section 15, T4N, R26E, being 80 acres, more or less; All that portion of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 15, T4N, R26E, being 40 acres more or less; All that portion of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 28, T4N, R26E, Dale County, Alabama, being 40 acres more or less.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joseph H. Adams, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Southern Star, a newspaper of general circulation published in Dale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 16, 23, 30, and May 7, all in the year 1975.

JOSEPH H. ADAMS.

Sworn to and subscribed before me 9 May, 1975.

IRENE MATHIS,
Notary Public.

By Messrs. Teague, Dial, Carter, Malone, Naramore, Plaster, Greer and Hill:

H. 329. To amend Title 52, Section 197, Code of Alabama, 1940, to allow educators in city school systems to accumulate sick leave at the rate of one day per month employed without limiting the number of days which may be accumulated.

Ways and Means.

By Messrs. Teague, Dial, Carter, Malone, Plaster, Naramore, Greer and Hill:

H. 330. To amend Title 52, Section 136, Code of Alabama, 1940, to allow educators in county school systems to accumulate sick leave at the rate of one day per month employed without limiting the number of days which may be accumulated.

Ways and Means.

By Messrs. Crowe, Harris, Johnstone, Hill, Hines and Cates:

H. 331. To create the Office of Prosecution Services, to provide for the appointment of an Executive Director and his staff; and to provide for the duties of the office and the salary of officials and employees.

Ways and Means.

By Messrs. Crowe, Wyatt, Sonnier, Kinsey, Callahan, Higginbotham, Barron and Boles:

H. 332. To provide for the regulation of professional dispensing opticians in Alabama; to create the Alabama Board of Dispensing Opticians and to prescribe its powers, duties, and operation; to define the practice of dispensing opticians; to provide for the examination and licensing of dispensing opticians, prescribing fees therefor, and to provide for the enforcement of the provisions of this Act, and the procedures for such enforcement.

State Administration.

By Messrs. Merrill, Owens, Robertson, McNair, Coburn, Crowe, Goodwin, Greer, Starkey and McMillan:

H. 333. To authorize the establishment of a security medical facility under the jurisdiction of the Alabama Mental Health Board; to establish sources and procedures for admission to said facility; and to provide for the charges for the cost of treatment.

Ways and Means.

By Messrs. Merrill, Owens, McNair, Coburn, Crowe, Goodwin, Greer, Starkey and McMillan:

H. 334. To authorize the sale and issuance of not exceeding \$7,000,000 principal amount of general obligation bonds of the State of Alabama for the purpose of acquiring, constructing, equipping and improving mental health facilities, including security medical facilities for persons requiring security during treatment; to pledge the full faith and credit of the state for payment of the principal of and interest on said bonds; to create a bond commission with authority to specify the details of and to make provisions for the sale of and to sell said bonds; and to make provision for the terms, execution, and issuance of said bonds and the use of the proceeds therefrom.

Ways and Means.

By Messrs. Merrill, Owens, Robertson, McNair, Coburn, Crowe, Goodwin, Greer, Starkey and McMillan:

H. 335. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the issuance of not exceeding \$7,000,000 principal amount of General Obligation Bonds of the State of Alabama for the acquisition, construction, equipment and improvement of mental health facilities, including security medical facilities for persons requiring security during treatment.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Mr. Merrill:

H. 336. To provide that a retired member of the Teachers' Retirement System of Alabama may earn up to \$4,800 from any source without affecting their retirement pay.

Ways and Means.

By Mr. Merrill:

H. 337. To provide that a retired member of the State Employees' Retirement System may earn up to \$4,800 from any source without affecting their retirement pay.

Ways and Means.

By Messrs. Hill, Kinsey and Carter:

H. 338. To require every county and municipality in the state to provide a civil service merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system.

Ways and Means.

By Mr. Hill:

H. 339. To provide this state with standards for the uniform recognition of acknowledgments by notaries public and other authorized officials; and to prescribe short forms of acknowledgment.

Judiciary.

By Mr. Hill:

H. 340. Relating to reapportionment; to provide for the creation of a reapportionment commission, providing further for the appointment of its members, its duties and their compensation.

Ways and Means.

By Mr. Hill:

H. 341. To provide for the Uniform Alcoholism and Intoxication Treatment Act; to create a division of alcoholism in the state mental health department, and to provide for the duties of said division; to provide for an interdepartmental coordinating committee and a citizens advisory council on alcoholism; to provide for public and private treatment facilities and enforcement procedures; to provide for voluntary, involuntary and emergency treatment of intoxicated persons; to provide for the adoption of rules and judicial procedures for hearings and trials involving said persons and to repeal conflicting laws.

Health.

By Mr. Hill:

H. 342. To adopt minimum standard building codes for the State of Alabama; to provide for the revision of these codes; to allow local modification of these codes; to authorize local governing bodies to enforce these codes; and to authorize the prescription and collection of the fees necessary to effect the enforcement of these codes, providing penalties for the violation of this act.

Local Government.

By Mr. Hill:

H. 343. To authorize the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the Chief Examiner of the Examiners of Public Accounts to become a public corporation to be known as Alabama Legislative Building Authority; to provide the procedure for incorporation, to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to provide for the construction, reconstruction, improvement, alteration, and equipment of public office buildings and the acquisition of sites therefor, the power of eminent domain, and the power to sell and issue not exceeding \$15,000,000 principal amount of bonds for such purposes; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction and equipment of buildings by the Authority; to provide for a standing legislative committee to approve the selection of architects or engineers and to approve the plans and specifications of buildings constructed by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by the Legislative Branch of the State of Alabama and to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and to private parties, of space for occupancy in said building or buildings; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; and to provide for dissolution of said Authority and conveyance of its assets and properties to the State upon payment of said bonds.

Ways and Means.

By Messrs. Lockett and Plaster (With Notice and Proof):

H. 344. Relating to Autauga County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in certain

jails of the county, and providing for a rehabilitation board to supervise and administer the rehabilitation process of this Act; to provide further for the carrying out of the provisions of this Act; and to provide penalties for violation of this Act.

Local Legislation No. 1.

Notice and Proof H. 344:

A BILL
TO BE ENTITLED
AN ACT

Relating to Autauga County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in certain jails of the county, and providing for a rehabilitation board to supervise and administer the rehabilitation process of this act; to provide further for the carrying out of the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. DEFINITIONS.

(1) "Board" shall mean County Rehabilitation Board, and shall be composed of five members as follows: the probate judge of the county; the sheriff of the county; and three members of the county governing body of the county or three representatives designated by such governing body.

(2) "Inmate" shall mean any person male or female convicted of a crime and sentenced to the county jail located within the county.

Section 2. EXTENDED LIMITS OF CONFINEMENTS.

The Board shall adopt such written regulations and policies permitting the sheriff to extend the limits of the place of confinement of an inmate, as to whom there is reasonable cause to believe he will know his trust, by authorizing him under prescribed conditions to leave the confines of the county or city jails unaccompanied by a custodial agent for a prescribed period of time to work at paid employment while continuing as an inmate in the jail in which he shall be confined except during the hours of his employment, and thereto and therefrom. Inmates shall participate in paid employment at the discretion of the Board.

Any rules, regulations or policies promulgated by the Board shall be written upon the minutes of the Board, and shall be acknowledged and signed by each member of the Board a minimum of 30 days before any such rules, regulations or policies can be implemented or utilized for any prisoner of any jail pursuant to the provisions of this act.

Section 3. WAGES.—

The employer of an inmate involved in work release shall pay the inmate's wages direct to the Board. The Board may adopt regulations concerning the disbursement of any earnings of the inmates involved in the work release program. The Board shall be authorized to withhold from the inmates earnings, 20% of his or her gross earnings to pay such cost incident to the inmates confinement as the Board shall deem appropriate. After 20% has been deducted from the inmates gross pay the remainder of the inmates earnings shall be credited to his account in a local bank, and upon his release from confinement shall be turned over to the inmate. The Board may elect, however, to turn the remaining 80% of the inmate's earnings over to his family

to be used by them in their support while an inmate is confined, provided the inmate, as well as the members of the inmate's family give written consent to this procedure, prior to the inmate's release into the work program.

Section 4. ESCAPE.—

The willful failure of an inmate to remain within the extended limits of his confinement or to return within the time prescribed by the sheriff to the county jail, shall be deemed as an escape from the custody of said sheriff and shall be punishable as provided by law for escaped prisoners.

Section 5. INVESTIGATION AND RECOMMENDATION.—

Employees of the Board or persons designated by the Board are authorized to make investigations and recommendations pertaining to the validity of requests of job opportunities for inmates and to otherwise assist the sheriff in the implementation of the program herein authorized.

Section 6. SECURING EMPLOYMENT.—

The Board or members of the Board shall endeavor to secure employment for eligible inmates under this act subject to the following:

(1) Such employment must be at a wage at least as high as the prevailing wage for similar work in the area or community where the work is performed in accordance with the prevailing working conditions in such area.

(2) Such employment shall not result in displacement of employed workers.

(3) Inmates eligible for work release shall not be employed as strike-breakers or in impairing any existing contracts.

(4) Exploitation of eligible inmates in any form is prohibited either as it might effect the community, the inmates, or the Board.

Section 7. EDUCATION.—

The Board may at its discretion, allow any inmate, between the ages of 14 and 22 only, to participate in the release program to further the inmates education. Under this section the inmates must follow all the rules set forth for other inmates participating in the work release program.

Section 8. FURLOUGHS.—

The Board may adopt rules and allow the sheriff to grant furloughs or leave time not to exceed three days or 72 hours for inmates that the Board deems deserving, subject to the following restrictions:

Each furlough can only be granted with the recommendation of the sheriff and must be approved in writing and signed by a majority of the Board members granting and approving such furlough.

Section 9. INMATE NOT AN AGENT OF STATE OR COUNTY.—

No inmate granted privileges under the provisions of this act shall be deemed to be an agent, employee or involuntary servant of the Board, State, or County while involved in the free community or while going to and from employment, or other specified areas or while on furlough.

Section 10. The sheriff or person or persons designated by the Board shall jointly prepare an annual report to be filed not later than sixty (60) days from the close of each fiscal year, a copy of said report shall be filed with each of the following persons or agencies: the Board, the governing bodies to which this act applies and to the circuit judge or judges serving Autauga County.

Section 11. PENALTY CLAUSE.—

Anyone violating any of the provisions of this act shall be guilty of a misdemeanor.

Section 12. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this act are repealed.

Section 14. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

THIS IS TO CERTIFY that the attached legal notice appeared in The Prattville Progress, a newspaper published in the City of Prattville and the County of Autauga, Alabama, for 4 consecutive issues, namely those of March 27, April 3, 10, 17, 1975.

N. E. RIDENHOUR,
Publisher.

Sworn to and subscribed before me, this 22nd day of May, 1973.

PATRICIA A. BARBER,
Notary Public.

By Messrs. Plaster, Wyatt, Coburn, McCluskey, Owens, Turnham, Warren, Manley, Johnson, Edwards, Robertson, Folmar and Harris:

H. 345. To provide that all persons employed as guides in the Capitol complex shall be given the classification of "Capitol Hostess" under the provisions of the merit system and provides for additional compensation.

Ways and Means.

By Messrs. Plaster and Edwards:

H. 346. Relating to counties having a population of not less than 12,700 nor more than 13,100 according to the most recent federal decennial census; to provide for an expense allowance for members of the board of education; to provide that said allowance shall be the only form of compensation for said members and to repeal all conflicting statutes.

Local Legislation No. 1.

By Messrs. Plaster and Edwards:

H. 347. To amend Sections 2 and 4 of Act No. 354, H. 1051, 1973 Regular Session (Acts of 1973, p. 490) entitled "An Act Relating to counties having a population of not less than 12,700 and not more

than 13,100 according to the most recent federal decennial census; to provide for the compensation and certain expenses of the register of the circuit court in any such county, payable from county funds; and providing for certain other duties of such register," so as to provide further for an expense allowance for the register.

Local Legislation No. 1.

By Messrs. Coburn, Riddick, Merrill, Plaster, Folmar, Robertson, McNair, Naramore, Weeks, McCluskey, Gafford, Teague, Wyatt, Greer, Johnstone, Hill, Kinsey, Smith (M), Sonnier, Kelley, Holmes, Martin, Albright, Brindley, Starkey, Goodwin, Sasser, Reed, Johnson, Roberts, McNees and Crawford:

H. 348. A Bill to be known as the "Deceptive Trades Practices and Consumer Protection Law;" defining certain words and phrases; creating an Office of Consumer Protection and delegating authority and prescribing responsibilities for that office; creating a Consumer Advisory Board; authorizing the Office of Consumer Protection and the Office of the Attorney General to receive Federal funding; delegating authority to and prescribing responsibilities for the Attorney General; establishing and prohibiting unlawful trade practices; providing for the promulgation and interpretation of rules and regulations; providing for exemptions from this Act; authorizing the Attorney General to restrain prohibited acts and to seek other relief; providing for the powers of receivership; providing for private actions; providing for assurances of voluntary compliance; authorizing the Attorney General to investigate for prohibited acts; issue subpoenas and hold hearings; providing for service and enforcement of investigative demands; providing penalties; providing for the jurisdiction of the Act; establishing a statute of limitations; and providing for appropriations to the Office of Consumer Protection.

Ways and Means.

By Messrs. White, Falkenburg, Hill, Andrews, Harrison, Folmar, Wyatt, Naramore, Hines, Lutz, McCulley, McMillan, Moore (O), Trammell, Sasser, Johnson and Waggoner:

H. 349. To provide for periodic re-examination of licensed drivers in Alabama once in each four years, to provide for the manner and extent of such re-examination; to provide for a driver license, a chauffeur license, a motorcycle driver license, and to provide for the manner of test therefor, and to authorize the director of Public Safety to issue such licenses; to provide that licenses issued by the Department of Public Safety shall bear a photographic likeness in color of the licensed driver, to provide for the developing, installation and use of a system of color photographic driver license forms.

Highway Safety.

By Messrs. Greer, Johnson, Sasser, Roberts and Smith (B):

H. 350. This Bill established an Industrial Health Epidemiology Division in the State Department of Public Health. Provides that the State Committee of Public Health promulgate regulations and standards to protect the health of citizens in their place of employment. Identifies the authority of the Epidemiology Division as to the collection and analysis of air contaminants, provides consultation for health and safety control and provides an appropriation.

Ways and Means.

By Messrs. Harris, Sasser, Barron, McCluskey, Kinsey, Carter, McMillan, Hill, Martin, Jackson (F), Crawford, Higginbotham and Wyatt:

H. 351. To amend Title 48, Section 462, Code of Alabama 1940, which relates to unlawful riding on trains, busses and trucks, so as to increase the penalty therefor.

Commerce and Transportation.

By Messrs. Higginbotham, Mitchem, Pegues, Baker, Smith (M), Owens, Turnham, Whatley and Reed:

H. 352. To regulate the solicitation of advertisement by any person, firm, corporation, State or Federal Peace Officers Association for any Peace Officers Magazine or Journal, to provide penalties for violation of this Act.

State Administration.

By Messrs. Wyatt, Plaster, Holmes and Lewis:

H. 353. To provide for a collective bargaining procedure to settle all employment problems for all firefighters employed by municipalities having a population of not less than 100,000 inhabitants nor more than 135,000 inhabitants according to the most recent federal decennial census; to provide definitions for terms used in this Act.

Local Legislation No. 4.

By Messrs. Sonnier, Sandusky, Biddle, Waggoner, McMillan, Kinsey, McCluskey, Whatley, Harris, Holmes, Glass, Johnstone, White, Boles, McNair, Cooper, Callahan, Malone and Hines:

H. 354. Relating to alcoholic beverages; to provide for town and city elections on legality of sale and distribution of alcoholic beverages in dry counties; to provide further for the disposition and use of the profits, including part of the taxes levied upon the selling price of spirituous or vinous liquors; amending further Act No. 255, H. 313, Regular Session of 1943 (General Acts 1943, p. 226) and repealing Code of Alabama 1940, Title 29, Sections 10 and 11 and all other laws in conflict herewith.

Ways and Means.

By Messrs. Sonnier, Malone, Kennedy, Sandusky, LeFlore and Cooper:

H. 355. To amend further section 1 of Act No. 192 H 262 First Special Session 1964 (Acts 1964, P. 256) an Act providing an annual allowance for purchasing uniforms for deputy sheriffs in counties having populations of not less than 300,000 nor more than 500,000 so as to regulate further the amount of such allowance.

Local Legislation No. 3.

By Messrs. Sonnier, Malone, Kennedy, Sandusky, LeFlore and Cooper:

H. 356. To authorize the Sheriff of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint a chief of the youth aid division, to provide for the appointment of the chief of the youth aid division, to provide for the salary of the chief of the youth aid division, and the method of payment of such salary.

Local Legislation No. 3.

By Messrs. Sonnier, Malone, Kennedy, Sandusky, LeFlore and Cooper:

H. 357. To apply only in Mobile County providing for service of Witness subpoenas by mail.

Judiciary.

By Messrs. Martin, Roberts, Cross and Drake (With Notice and Proof):

H. 358. To authorize the charging of a "convenience fee" in the amount of 25 cents on the sale of any hunting or fishing licenses sold in Morgan County by any special agent who sells hunting or fishing licenses in the City of Decatur under authority granted pursuant to the provisions of Act No. 628, H. 351, p. 1082, Acts of Alabama, 1951 Regular Session of the Alabama Legislature; prescribing penalties for the violation of the provisions of this act.

Local Legislation No. 1.

Notice and Proof H. 358:

STATE OF ALABAMA
COUNTY OF

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the charging of a "convenience fee" in the amount of 25 cents on the sale of any hunting or fishing licenses sold in Morgan County by any special agent who sells hunting or fishing licenses in the City of Decatur under authority granted pursuant to the provisions of Act No. 628, H. 351, p. 1082, Acts of Alabama, 1951 Regular Session of the Alabama Legislature; prescribing penalties for the violation of the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any special agent selling hunting or fishing licenses in the City of Decatur, Alabama, under authority granted by the Morgan County Commissioner of Licenses pursuant to the provisions of Act No. 628, H. 351, p. 1082, Acts of Alabama, 1951 Regular Session of the Alabama Legislature, may, on or after the effective date of this Act, charge a "convenience fee" on the sale of hunting and fishing licenses as hereinafter provided for. Said special agent shall retain the entire amount of said fee for his services in selling such licenses.

Section 2. Said "convenience fee" shall be in the amount of 25 cents and shall be in addition to the amount of the license and the amount of any and all other fees authorized by law and may be charged because of the convenience to the public to have hunting and fishing licenses available for sale at odd hours and at many locations other than the county courthouse.

Section 3. Before any person shall charge the 25 cents "convenience fee" authorized by the provisions of this Act, he must post in a prominent and conspicuous place in his place of business where said hunting and fishing licenses are sold, and said fee is charged, a printed notice of the additional 25 cents "convenience fee" that will be charged under the provisions of this act and notice of the fact that the license may be purchased without the payment of this fee during ordinary business hours at the county courthouse.

Section 4. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor.

Section 5. This Act is intended to be cumulative and supplementary to any existing law or laws.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. The provisions of this act shall become effective with the sale of 1976 licenses, September 15, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 4/19/75, 4/26/75, 5/3/75, and 5/10/75, all in the year 1975.

B. C. SHELTON.

Sworn to and subscribed before me May 12, 1975.

LUCY L. FERGUSON,
Notary Public.

By Mr. Callahan:

H. 359. To amend Act No. 582 of Regular Session, 1963 (Acts 1963, Pg. 1266), pertaining to ionizing radiation control by adding a prohibition of announcing inspections, by adding civil penalties, by adding criminal penalties, by adding the posting of bonds, by providing for the delegation of authority, by designating the Radiation Control Agency for the purposes of the Federal Occupational Safety and Health Act of 1970, P. L. 91-596, by establishing the Radiation Reclamation Fund and providing for appropriations therefrom, and to further provide for local programs.

Ways and Means.

By Messrs. Sandusky, Sonnier and Kennedy:

H. 360. To further regulate the fees and allowances in criminal cases of sheriffs in all counties having populations of not less than 300,000 nor more than 500,000 inhabitants according to the most recent or any subsequent Federal decennial census.

Local Legislation No. 3.

By Messrs. Sandusky, Sonnier and Kennedy:

H. 361. To further amend Section 2 of an Act of the Legislature of Alabama being Local Act No. 102 approved June 3, 1975, page 59 of the Local Acts of 1943 as amended by an Act of the Legislature of Alabama being Local Act No. 784 approved September 8, 1961, page 1136 of the Local Acts of 1961, entitled: "To authorize the Sheriff of Mobile County, Alabama, to select and appoint an attorney to advise

and counsel him on the operation of such office and to handle all legal matters pertaining to said office; to provide for the manner of the appointment of such attorney, the term of office of such attorney; to provide for the salary of such attorney and the method of payment of such salary."

Local Legislation No. 3.

By Mr. Johnson:

H. 362. To create an Alabama Recreation Commission; to provide for the members of the Commission, their appointments, qualifications, and term of office; to provide for the powers and duties of the Executive Director; to define the terms used in the Act; and to appropriate funds.

Ways and Means.

By Messrs. Sandusky, Sonnier and Kennedy:

H. 363. Relating to counties having a population of not less than 300,000, nor more than 500,000 inhabitants according to the most recent federal decennial census, to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners, to provide that the provisions of this Act shall be effective upon passage.

Local Legislation No. 3.

By Messrs. Sandusky, Sonnier and Kennedy:

H. 364. To authorize the Sheriff of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint an administrative assistant, to provide for the appointment for such administrative assistant, the term of office of such administrative assistant, to provide for the salary of such administrative assistant, and the method of payment of such salary.

Local Legislation No. 3.

By Messrs. Sonnier, Malone, Kennedy, Sandusky, LeFlore and Cooper:

H. 365. To regulate further the fees of sheriffs in all counties of this State having populations of not less than 300,000 and not more than 500,000 according to the most recent federal decennial census.

Local Legislation No. 3.

By Messrs. Sonnier, Malone, Kennedy, Sandusky, LeFlore and Cooper:

H. 366. To authorize the Sheriff of any county having a population of not more than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint a secretary, to provide for the appointment of such secretary, the term of office of such secretary, to provide for the salary of such secretary, and the method of payment of such secretary.

Local Legislation No. 3.

By Messrs. Mitchem, Whatley, Smith (J), Sonnier, Smith (B), Williams, Carothers, Edwards, McCulley, Dial, Drake, McMillan, Kinsey, Campbell, Plaster and Kelley:

H. 367. To repeal Article 27 (Sections 438 through 449) of Chapter 1 of Title 2 of the Code of Alabama of 1940, which regulates the sale of paint by prescribing certain requirements under which paint is sold or offered for sale within this State.

Agriculture.

By Messrs. Callahan and Sandusky:

H. 368. To require identifying words or insignia on all state, county, or municipal vehicles.

Ways and Means.

By Messrs. Callahan and Sandusky:

H. 369. To provide that all retirement income or disability pay received by any retired military personnel shall be exempt from all state, county or city income taxes or like taxes.

Ways and Means.

By Messrs. Callahan and Sandusky:

H. 370. To provide for the collection of attorney's fees in actions by beneficiaries against the insurer in certain cases.

State Administration.

By Messrs. Callahan and Sandusky:

H. 371. To exempt the Mobile Rescue Mission, Incorporated, and its property from state, county, and municipal taxes, licenses, fees, and excises, under certain conditions.

Ways and Means.

By Messrs. Callahan, Kinsey, Sandusky and Sonnier:

H. 372. To Amend Code of Alabama 1940, Title 2, Section 606, as amended, so as to allow the sale of milk in three quart containers.

State Administration.

By Messrs. Callahan, McMillan and Sandusky:

H. 373. To make it lawful in all transactions wherein the security for a loan or forbearance is real property or an interest therein to charge a rate of interest equivalent to two percent above the maximum interest rate fixed pursuant to the National Housing Act or any act of Congress relating to veterans' benefits; to define items not to be included in computing the rate of interest; to make lawful any such loan or forbearance made at the rate so stated since 1969.

Banking.

By Mr. Callahan:

H. 374. To amend Title 36, Section 53, of the Code of Alabama (1940), so that all fines and forfeitures presently being collected under the provisions of said title and section in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent or any subsequent Federal decennial census, shall be distributed and paid over to the general fund of said counties, except for fines and forfeitures collected by recorders courts or municipal courts for violation of ordinances in cities and towns over 2,000 population according to the last or any subsequent Federal census, and to repeal all laws, general or local in conflict therewith.

Ways and Means.

By Mr. Callahan:

H. 375. To make unlawful the selling of certain game fish caught or taken from any of the waters of this or any other state, prescribing the penalty therefor.

Conservation.

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By Mr. Callahan (With Notice and Proof):

H. 376. Relating to Mobile County; to provide that any monies in the general fund of Mobile County may be used by the County governing body to pay the doctor, medical, hospital bills and any expenses required for rehabilitative purposes of any County employee who is injured in the line of duty; and to make provisions of this Act retroactive to January 1, 1973.

Local Legislation No. 3.

Notice and Proof H. 376:

A BILL
TO BE ENTITLED
AN ACT

Relating to Mobile County; to provide that any monies in the general fund of Mobile County may be used by the County governing body to pay the doctor, medical, hospital bills and any expenses required for rehabilitative purposes of any County employee who is injured in the line of duty; and to make provisions of this Act retroactive to January 1, 1973.

Be It Enacted by the Legislature of Mobile County:

SECTION 1: The County governing body of Mobile County is hereby authorized to use any monies in the general fund of said County for the purpose of paying doctor, medical, hospitalization or any expenses required for rehabilitation as a result of any accidental injury incurred by any County employee who is injured in the line of duty and shall be authorized to make any necessary appropriations in its budget to cover such contingencies.

SECTION 2: The provisions of this Act shall be retroactive to January 1, 1973.

Joyce Butt being sworn, says that she is Bookkeeper of the Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Press, The Mobile Register, April 16, 23, 30, May 7, 1975.

JOYCE BUTT.

Sworn to and subscribed before me this 15 day of May, 1975.

GARY L. RICHARDS,
Notary Public.

By Mr. Callahan:

H. 377. To provide retirement benefits for elected officials in any municipality in the State of Alabama having a population, according to the most recent Federal census, between 175,000 and 225,000 persons, and to provide for the payment of such benefits.

Local Legislation No. 3.

By Mr. Callahan:

H. 378. To fix the compensation or salary of the Clerk of the Circuit Court in all counties of Alabama having a population of not less than 300,000 nor more than 500,000, according to the last or any subsequent Federal decennial census, and to provide for the payment thereof.

Local Legislation No. 3.

By Mr. Callahan:

H. 379. Authorizing the governing body and election officials of those counties using voting machines which produce printouts that contain all the required data regarding registering or recording and computing the vote at all elections to use such printout sheets and to make any required certificates or statements thereon and provides that such shall satisfy the provisions of Alabama Code 1940, Title 17, Chapter 1, Article 7.

Constitution and Elections.

By Mr. Callahan:

H. 380. To provide an expense allowance for the incumbent Circuit Court Clerk in all counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent Federal decennial census, said expense allowance to commence October 1st, 1975 and to expire at the end of the present term of office of the incumbent Circuit Court Clerk in such counties, and said expense allowance to be payable monthly in the sum of \$200.00 out of the general funds of the respective counties.

Local Legislation No. 3.

By Messrs. Wyatt, Lewis, Baker, McCulley, Glass, Cates and Holmes:

H. 381. Relating to registration of voters; requiring each board of registrars to hold sessions in the evening hours or on Saturdays in order to register voters; providing for the payment of registrars for these sessions; providing for notice of these meetings; repealing inconsistent laws; providing for the severability of this Act; establishing the effective date.

Constitution and Elections.

By Messrs. Wyatt, Lewis, Hines, Albright, Baker, McCulley, Glass, Harris, Barron, Cates and Holmes:

H. 382. To amend Title 17 of the Code to allow each voter to be absent from employment in order to vote; to repeal inconsistent acts; to provide for the severability of the provisions of the Act; to provide an effective date for the Act.

State Administration.

By Messrs. Wyatt, Coburn, Greer, Carter, Andrews, Naramore, Folmar, Baker, Hopping, McMillan, Warren, McCulley, Trammell, Kinsey, Glass and Holmes:

H. 383. To provide that all contracts of insurance or policies of insurance or plans or agreements for health services issued or delivered in this State shall cover and include the services of Chiropractors.

Insurance.

By Messrs. Gafford, Biddle, Waggoner, Armstrong, Jolly, Moore (O), Trammell, Andrews, Hopping, Boles, Hilliard and White:

H. 384. Pursuant to provisions of Section 155, Article VI of the Constitution of Alabama as amended (Section 6.16 of Amendment CCCXXVIII, proclaimed December 27, 1973), this bill creates and provides for Supernumerary-Retired Probate Judges in counties having a population of 600,000 and over, according to the last or any subsequent federal census, similar to and equal with provisions of law for Circuit Judges in such counties, and provides for continuation of service; creates and establishes the Probate Judges Retirement Fund in such

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counties for the purpose of providing for the payment of retirement and disability benefits for such judicial officers; prescribing the qualifications, term, duties, powers, authority, compensation and benefits of any such county Supernumerary-Retired Probate Judge of such counties; providing for payment of contributions into such fund by any eligible probate judge and for payments out of the county general fund or from fees and commissions collected by the probate court and paid into the county general fund. It provides for carrying out the provisions of this Act, and regulates the administration and supervision thereof.

Local Legislation No. 2.

By Messrs. Gafford and McNair:

H. 385. To amend Section 1 of Act No. 1515, H. 37, 1971 Regular Session (Acts of 1971, p. 2629; now appearing in Code of Alabama, Recompiled 1958, Title 8, Section 30 (1)), entitled "To provide for the cost of and establish the procedure for obtaining an annual resident state hunting license"; so as to provide for the issuance of a permanent lifetime hunting license for all residents over 65 years of age at no cost and upon the payment of nominal issuance fee; repealing Act No. 546, S. 437, 1965 Regular Session (Acts of 1965, p. 796; now appearing in Code of Alabama, Recompiled 1958, Title 8, Section 31 (1)).

Ways and Means.

By Messrs. Gafford and McNair:

H. 386. To further amend Section 40 of Title 36, Code of Alabama 1940, as amended which relates to lighting equipment required on motor vehicles.

Highway Safety.

By Messrs. Gafford and McNair:

H. 387. To provide for a driver's license, a chauffeur's license, a motorcycle license, and to prescribe the manner of test therefor, and to authorize the Director of Public Safety to issue said licenses.

Highway Safety.

By Messrs. Gafford and McNair:

H. 388. To amend Section 5 and 8 of Act No. 652, S. 129, Regular Session 1949 (Acts 1949, p. 1006), which regulates the operation of motor-driven cycles on highways: so as to require that the headlight and rear light of motor-driven cycles shall be ignited during all hours of operation upon the public roads of this state; to provide penalties and exceptions.

Highway Safety.

By Messrs. Gafford and McNair:

H. 389. To exempt certain religious organizations from the payment of any tax levied upon the recordation of certain instruments of conveyance under Title 51, Section 618, Code of Alabama 1940, as amended.

Ways and Means.

By Mr. Gafford:

H. 390. Proposing an amendment to Article 4, Section 106 of the Constitution of Alabama to reduce the time required for publication of notice of local legislation and also dispensing with the requirement

of spreading notice and proof of local legislation on the journals of each house by providing that the Clerk of the House or the Secretary of the Senate shall merely certify in the appropriate journal that notice and proof was attached to the local legislation and is attached as a matter of public record to the original copy of the bill filed in the Department of Archives and History.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Gafford:

H. 391. To authorize the Clerk of the House and Secretary of the Senate to trade in any equipment purchased for the use of the respective houses of the Legislature on purchases of new equipment therefor.

State Administration.

By Mr. Gafford:

H. 392. To authorize the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the Chief Examiner of the Examiners of Public Accounts to become a public corporation to be known as Alabama Legislative Building Authority; to provide the procedure for incorporation, to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to provide for the construction, reconstruction, improvement, alteration, and equipment of public office buildings and the acquisition of sites therefor, the power of eminent domain, and the power to sell and issue not exceeding \$15,000,000 principal amount of bonds for such purposes; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction and equipment of buildings by the Authority; to provide for a standing legislative committee to approve the selection of architects or engineers and to approve the plans and specifications of buildings constructed by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by the Legislative Branch of the State of Alabama and to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and to private parties, of space for occupancy in said building or buildings; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions

or defenses respecting said bonds or pledge; and to provide for dissolution of said Authority and conveyance of its assets and properties to the State upon payment of said bonds.

Ways and Means.

By Messrs. Smith (C), Holley, Crawford, Robertson, Moore (O), Plaster, Naramore, Carothers, Carter and Teague:

H. 393. Proposing an amendment to the Constitution of Alabama relative to the election, qualifications, powers, duties, and tenure of the state superintendent of education.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Smith (C), Holley, Crawford, Robertson, Moore (O), Plaster, Naramore, Carothers, Carter and Teague:

H. 394. To amend further the Code of Alabama 1940, Title 52, Section 41, so as to provide for the election of the state superintendent of education with his qualifications to be set by the state board of education.

Constitution and Elections.

By Messrs. Boles, Hall, Biddle, Hopping, Carter, Sasser, Jolly, Trammell, Sonnier, Carothers, Johnstone, Hilliard, Robertson, Leonard, McNair, Holmes, Warren, Malone, Moore (O) and Howard:

H. 395. To regulate the collection, sale, labeling, and use of blood; providing a penalty for the violation of this act.

Health.

By Messrs. Boles, Trammell, Hall, Hilliard and Armstrong:

H. 396. To create an independent division under the Department of Education to administer the various programs under the National Social Security Act; provide for a director of such division, and define the duties and functions of such division and director.

Ways and Means.

By Messrs. Boles, Leonard, McNair, Carter, Moore (W), Martin, Sparks, Naramore, Drake, Brindley, Crowe, Tucker, Hall, Hopping, Hilliard, Jolly, Waggoner, Moore (O), McNees, Holley, Andrews, Goodwin, Greer, Riddick, Gregg and Lutz:

H. 397. To amend Section 1 of Act No. 546, S. 437, 1965 Regular Session (Acts of 1965, p. 796; now appearing in Code of Alabama, Recompiled 1958, Title 8, Section 31 (1)), entitled "To provide for a special low-cost hunting license for residents of this state who are 65 years of age or older; to provide for the disposition of the proceeds thereof;" so that hunting licenses will be available to people 65 years or older at fifteen cents (15¢) for a lifetime license and to provide for the disposition of the proceeds thereof.

Ways and Means.

By Messrs. Boles and Hall:

H. 398. To amend the title and Sections 1 and 3 of Act No. 2307, S. 250, of the Regular Session of 1971 (Acts of 1971, p. 3728), which provides for covering certain employees of public school systems in

the Teachers' Retirement System so as to include persons employed by such public school systems as custodians and janitors among the employees who may be covered by the Teachers' Retirement System.

Ways and Means.

By Messrs. Smith (J) and Holmes:

H. 399. To provide for the issuance of restricted driver's licenses in certain cases.

Highway Safety.

By Messrs. Smith (J) and Naramore:

H. 400. To amend Title 51, Section 38 and to further amend Section 189 of the Code of Alabama 1940, Recompiled 1958, so as to eliminate the requirement that the tax assessor and tax collector must go from place to place within the county to assess property and collect taxes.

Local Government.

By Mr. Smith (J):

H. 401. To provide that in criminal proceedings certain judges shall have discretionary power to tax the fees of court-appointed counsel representing indigent defendants as a part of the cost of the proceeding and to repeal all conflicting statutes.

Judiciary.

By Messrs. Riddick and Smith (B):

H. 402. To further amend Title 16, Section 1, Code of Alabama 1940, as amended, which section relates to descent of real estate of persons dying intestate so as to further regulate the descent of real estate owned by said persons.

Judiciary.

By Messrs. Riddick and Smith (B):

H. 403. Relating to crimes and offenses; prohibiting the giving of false information, falsely reporting a crime, or making a false allegation against a law enforcement officer; prescribing penalties.

Judiciary.

By Mr. Smith (J):

H. 404. To provide that every person convicted of a felony in this state shall be sentenced to pay a certain fine in addition to imprisonment; to prescribe that such fine shall be in an amount not to exceed five thousand dollars unless otherwise prescribed by law and to repeal all conflicting statutes.

Judiciary.

By Messrs. McNair, Porter and Falkenburg:

H. 405. To amend Section 367 of Title 52 Code of Alabama of 1940, as amended, which relates to the administration of the Teachers' Retirement System of Alabama; to provide that the election of certain trustees to the Board of Control of the Teachers' Retirement System be accomplished by an annual statewide election, conducted under the rules, regulations and supervision of said Board of Control; to provide that each member of the Retirement System shall be eligible to vote for each position subject to election; and to provide for the admissibility of microfilmed records.

Ways and Means.

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By Messrs. McNair, Falkenburg, Hall, Boles, Waggoner and Leonard:

H. 406. Relating to the licensing of motor vehicle dealers; regulating the purchase and use of dealer license plates on motor vehicles; prescribing application information, records, penalty and bonds; amending Title 51, Section 464, as amended, Code of Alabama 1940, so as to delete any reference to automobile dealer license plates.

Ways and Means.

By Mr. Johnson:

H. 407. To amend House Bill 1, Third Special Session 1975, (approved May 1, 1975) which Act grants extra annual allowances for certain law enforcement officers, so as to remove provisions applying to deputy sheriffs and policemen of certain counties and cities on a population basis.

Ways and Means.

By Mr. Johnson:

H. 408. Relating to counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census, and to the largest and second largest municipalities located within each such county, to establish lengths and periods of time for the sheriff and deputies of said counties and for the policemen and firemen of the largest and second largest municipalities located within each such county, in which such persons would be recognized for services rendered by granting such persons an extra annual allowance after a minimum of five years service.

Local Legislation No. 1.

By Mr. Johnson:

H. 409. To amend Sections 433(17), 433(18), 433(19), and 433(34), Title 52, Code of Alabama, Recompiled 1958, so as to include kindergartens under the purview of the State Courses of Study Committee; to require that the State Textbook Committee select only materials that are applicable to the approved Course of Study; to expand the State Textbook Committee and that up to 30% of the Textbook allocation may be spent for readiness materials and for non-consumable supplementary materials.

Ways and Means.

By Messrs. Robertson, Owens, Carter, Sparks, Folmar and Johnson:

H. 410. To provide that a school teacher or public employee employed by a public school system, the State Board of Education, the State Department of Education, State Senior Colleges and Universities, State Junior Colleges, State Vocational Technical Schools, the Alabama Commission of Higher Education and the Alabama Education Study Commission or any other State educational institution or agency, shall continue to draw his full salary for a certain period when incapacitated as a direct result of an on-the-job injury; to provide that payment of such benefits shall not exhaust his accumulated sick leave and to authorize standards for carrying out the provisions of this Act.

Ways and Means.

By Messrs. Andrews, Leonard, Harrison, White, Waggoner, McNair, Porter, Hopping, Hall, Armstrong, Jolly, Hilliard, Howard, Falkenburg, Gafford, Tucker:

H. 411. To provide for the release of inmates of the city jail at the discretion of the judge of recorders court at the time of sentencing,

or at the discretion of the mayor of the city at any time during the term of the sentence of such inmates, for the purpose of allowing such inmates to work at gainful employment during the term of sentence, or for the purpose of allowing an inmate to further his education; to provide for the administration of the work release program provided by this Act; to provide for the adoption of rules, regulations and policies governing the release of inmates for work and educational release; to provide for the adoption of rules and regulations concerning the disbursement and deposit of earnings of inmates participating in the work release program.

Local Legislation No. 2.

By Messrs. Mitchem, Drake, Whatley, McCorquodale, Brindley, Owens, Smith (M), Smith (J), Sonnier, Williams, Carothers, Edwards, Killian, Smith (C), Kelley, McCulley, Higginbotham, Dial, McMillan, Kinsey, Manley, Robertson, Martin, Moore (O), McCluskey, Carter, Biddle, Moore (W), McNees, Goodwin, Cross, Weeks, Cates, Sandusky, Morris, Hill:

H. 412. To further amend Sections 1, 2, 4, 6 and 8 of Act No. 46, H. 36, Legislature of 1955, 2nd Spec. Session, approved April 6, 1955 (Acts of 1955, p. 152), an Act to regulate the sale of eggs by requiring inspection, grading and accurate labeling of eggs, said Act being amended by Act No. 531, S. 336, Legislature of 1955, Regular Session, approved September 9, 1955 (Acts of 1955, p. 1179) and by Act No. 194, H. 39, Legislature of 1961, Spec. Session, approved September 15, 1961 (Acts of 1961, p. 2167); amend said Sections 1, 2, 4, 6 and 8 of said Act No. 46, as amended, said amendments relating to definition of terms in said Act, labeling information on containers in which eggs are sold or offered for sale; inspection fee payments levied upon the sale of eggs and to abolish such levy; and further relating to the permit required of retail and wholesale egg dealers; and exemptions from the requirements of said Act.

Agriculture.

By Messrs. Mitchem, Whatley, Smith (J), Sonnier, Smith (B), Carothers, Edwards, Smith (C), McCulley, Dial, Drake, McMillan, Kinsey, Moore (O), Campbell, Plaster, Kelley, Smith (M):

H. 413. Relating to livestock dealers, the annual permit required of such dealers, bills of sale required and removal of the prohibition of the sale of livestock at night: to amend Section 385, as amended, and Section 386 of Title 2 of the Code of Alabama of 1940, relating to livestock dealers, the annual permit required and the fee required therefor, bills of sale and bills of lading required thereunder; and to repeal Section 387 of Title 2 of the Code of Alabama of 1940 which prohibits the sale of livestock after sunset or before sunrise.

Ways and Means.

By Messrs. Mitchem, Whatley, Smith (J), Sonnier, Smith (B), Carothers, Smith (C), McCulley, Drake, Dial, McMillan, Kinsey, Robertson, Moore (O), Plaster and Campbell:

H. 414. To amend Section 1 of Act No. 238, H. 288, approved July 27, 1953 (Acts of Alabama 1953, Vol. I, p. 303) an Act providing for the designation of certain employees of the Department of Agriculture and Industries as "Cattle Theft Investigators" with authority as peace officers, etc.; to amend said Act No. 238 of 1953 to designate such employees of the Department of Agriculture and Industries as "livestock theft investigators" with the power and authority of peace officers to

conduct investigations and make arrests for any unlawful offense which may be exercised anywhere within the State of Alabama.

Agriculture.

By Messrs. Mitchem, Whatley, Smith (J), Sonnier, Smith (B), Williams, Carothers, Smith (C), McCulley, Dial, Drake, McMillan, Kinsey, Robertson, Moore (O), Campbell, Plaster, Kelley and Smith (M):

H. 415. Requiring the owners of livestock who brand their livestock to register such brands with the Department of Agriculture and Industries, and to provide for the transfer and re-registration of such registered brands; to prescribe fees to be paid therefor; to require the Department of Agriculture and Industries to furnish copies of registered brands to livestock markets, sheriffs and other law enforcement personnel for tracing, locating and determining ownership of lost, estrayed or stolen livestock; imposing certain duties relating to record keeping of the receipt, sale and handling of livestock upon livestock markets, slaughterers, livestock dealers and livestock hide dealers concerning the identity of livestock; to authorize the State Board of Agriculture and Industries to adopt rules and regulations to carry out the provisions of this act; to prescribe penalties for violations of the provisions of this Act; to provide for the effective date hereof, and the repeal of laws in conflict with this Act.

Ways and Means.

By Messrs. Mitchem, Whatley, Smith (J), Sonnier, Smith (B), Williams, Carothers, Edwards, McCulley, Smith (C), Drake, Plaster, Dial, McMillan, Kinsey, Robertson and Campbell:

H. 416. Relating to the payment by the State of Alabama of compensation to surviving dependents of certain peace officers and firemen killed in the line of duty to redefine the term "peace officer": to further amend Section 1 of Act No. 208, S. 34, (Acts of Alabama, 1966 Special Session, page 256), which Act provides for the payment by the State of Alabama of compensation to the surviving dependents of certain peace or law enforcement officers or certain firemen killed in the course of employment, said Section of said Act being last amended by Act No. 1130, S. 482, Legislature of 1969, (Acts of 1969, Vol. III, p. 2094); to further define the term "peace officer" as used in said Act No. 208, Legislature of 1966, Special Session, as amended, to include "livestock theft investigators" of the Department of Agriculture and Industries as "peace officers".

Ways and Means.

By Messrs. Mitchem, Whatley, Smith (J), Sonnier, Smith (B), Williams, Carothers, Edwards, Smith (C), McCulley, Killian, Dial, Drake, McMillan, Kinsey, Moore (O), Plaster and Kelley:

H. 417. To repeal Section 6 of Title 2 of the Code of Alabama of 1940 which prohibits the buying, selling or other trading in, and the movement or transportation, of certain farm products after the hour of sunset and before the hour of sunrise.

Agriculture.

By Messrs. Mitchem, Whatley, Smith (J), Sonnier, Smith (B), Williams, Carothers, Edwards, Smith (C), McCulley, Drake, Dial, Campbell, McMillan, Kinsey, Robertson, Plaster, Kelley and Smith (M):

H. 418. To prescribe a procedure for complaints, investigations, findings and recommendations where purchasers of agricultural, vegetable, flower, tree, shrub and herb seeds suffer damages as a result

of any such seed not being in compliance with legal requirements which govern the sale thereof or where the seed fail to produce or perform as represented; to create and establish an investigation and arbitration committee for this purpose and to prescribe its powers, duties and authority.

Agriculture.

By Messrs. Mitchem, Whatley, Smith (J), Sonnier, Smith (B), Carothers, Edwards, Smith (C), McCulley, Drake, Dial, McMillan, Kinsey, Robertson, Moore (O), Plaster, Campbell and Kelley:

H. 419. To amend Sections 3, 6 and 7 of Act No. 424, H. 413, Legislature of 1963, Regular Session, approved September 2, 1963 (Acts of 1963, Vol. 2, p. 931), as amended, an Act to regulate the labeling, sale and offering or exposing for sale or distribution of agricultural, vegetable, flower, tree, shrub and herb seeds, etc.; to amend Section 3 of said Act No. 424 to prescribe the time of the test to determine the percentage of germination for agricultural and vegetable seed sold or offered for sale or distributed in hermetically sealed containers; to amend Section 6 of said Act No. 424 to require invoices of certain sales of seed sold at retail to be furnished to the buyer and that a record thereof with certain information thereon be kept by the seller; and to amend Section 7 of said Act No. 424 to authorize the adoption of rules and regulations governing the sale of seed that are subject to the provisions of the "Plant Variety Protection Act" of the Congress of the United States.

Agriculture.

By Messrs. Glass, Malone and McCulley (With Notice and Proof):

H. 420. Relating to Mobile County; regulating further services, rates and charges of certain telephone companies.

Local Legislation No. 3.

Notice and Proof H. 420:

LEGAL NOTICE

A BILL TO BE ENTITLED AN ACT

Relating to Mobile County; regulating further services, rates and charges of certain telephone companies.

Be It Enacted by the Legislature of Alabama:

Section 1. Six months after the effective date of this Act, no person, firm, or corporation engaged in operating a telephone company, system, or exchange within Mobile County shall charge, receive, or collect a long-distance toll or charge on any call originating at any place within the county and terminating at any other place within the county.

Section 2. The provisions of this Act shall be enforced by the Alabama Public Service Commission and the Commission shall give priority to any proceedings that may be brought before it which are necessary for carrying out the provisions of this Act.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MOBILE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joyce Butt, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Bookkeeper of the Mobile Press Register, a newspaper of general circulation published in Mobile County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Dec. 27, 1973, Jan. 3, 10, and 17, all in the year 1974.

JOYCE BUTT.

Sworn to and subscribed before me 17 day of Jan., 1974.

E. E. KOCH,
Notary Public.

By Mr. Morris:

H. 421. To allow prospective jurors to be excused without the presence of the defendant in all judicial circuits of Alabama having populations of not less than 95,000 nor more than 114,000 according to the most recent federal decennial census.

Local Legislation No. 1.

By Mr. Morris:

H. 422. To provide further for the salary of any deputy clerk or register in a city other than the county seat in counties having a population of not less than 33,550 nor more than 34,000 according to the most recent federal decennial census.

Local Legislation No. 1.

By Mr. Morris:

H. 423. To amend further Act No. 421, H. 627 of the Regular Session of 1959 (Acts 1959, p. 1113) as amended, which authorizes the district attorney of the Fifth Judicial Circuit to appoint a stenographic secretary, so as to adjust the compensation of such secretary.

Local Government.

By Mr. Morris:

H. 424. Relating to the Fifth Judicial Circuit of Alabama; to provide for an investigator who shall be furnished with an automobile and other equipment necessary for the performance of investigative duties; to prescribe the investigator's powers, duties and authority and to fix his compensation and provide for the payment thereof.

Local Government.

By Mr. Morris:

H. 425. Relating to all counties having populations of not less than 33,550 nor more than 34,000, according to the most recent federal decennial census; providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations; and repealing all conflicting laws and parts of laws general, local and special.

Local Legislation No. 1.

By Mr. Morris:

H. 426. Relating to the method of giving notice of the requirement of attendance of jury service in all judicial circuits of Alabama, having populations of not less than 95,000 nor more than 114,000 according to the most recent federal decennial census.

Local Legislation No. 1.

By Mr. Morris:

H. 427. To provide an increase in salary for the deputy circuit clerk serving in the western one-half ($\frac{1}{2}$) of all counties having a population of not less than 33,550 nor more than 34,000 inhabitants according to the most recent or any subsequent federal decennial census.

Local Legislation No. 1.

By Mr. Morris:

H. 428. To apply only in the circuit courts of all judicial circuits having populations of not less than 95,000 nor more than 114,000 according to the most recent federal decennial census; to provide that in such courts the parties to any action, except prosecutions for capital felonies, may at any stage of a trial then pending and whether the jury has retired or not, unanimously consent with legal effectiveness to the discharge from further duty of any member of the jury trying the case, and to a continuation of the trial and the rendition of a verdict by the remaining jurors; and to further provide that in such courts and in such actions the parties may, prior to the commencement of a trial unanimously stipulate in open court with legal effectiveness that in the event it becomes necessary during the pendency of the trial, whether the jury has retired or not, for the court to discharge from further duty any member of the jury trying the case because of the juror's sickness or other good cause, the trial shall continue with and a verdict be rendered by the remaining jurors.

Local Legislation No. 1.

By Mr. Morris:

H. 429. To authorize the district attorney of the Fifth Judicial Circuit of Alabama to appoint a chief deputy district attorney and to prescribe his duties; to fix his compensation and the manner of its payment.

Ways and Means.

By Mr. Morris:

H. 430. Providing that certain salary schedules for primary and secondary public school systems in this state shall be the same as for any vocational or technical institution, junior college, or university that is funded out of the special educational trust fund.

Ways and Means.

By Mr. Morris:

H. 431. To regulate further the business of certain public utilities, prohibiting the sale of appliances by public utility companies, and prescribing penalties.

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By Messrs. Morris, Biddle, Waggoner, Kinsey, McMillan and McNair:

H. 432. To create and establish the Alabama Board of Funeral Service; to establish rules and regulations; to provide for the licensing of funeral directors, embalmers and funeral establishments; to provide for the examination for licenses; and to set fees therefor; to establish qualifications of applicants for licenses; to establish procedure for election and terms of members of the Board and to define powers and duties of the Board; to provide penalties; to merge the State Embalming Board into the Alabama Board of Funeral Service and provide that the latter Board shall perform all the functions and duties of the State Embalming Board; and to repeal Title 46, Sections 121 through 128, Code of Alabama 1940, and all other conflicting laws.

Health.

By Messrs. Waggoner, Biddle, Crowe, Manley, McNair, Gafford, Teague and Weeks:

H. 433. To further amend Section 2 of Act No. 100. H. 94, Second Special Session, 1959, relating to revenue, as amended, so as to exclude from the gross receipts tax levied thereby, sales of materials or supplies for use in fulfilling a contract for painting, maintenance, repair or modification of fixed wing aircraft exceeding five (5) tons and rotary wing aircraft exceeding two (2) tons empty weight.

Ways and Means.

By Messrs. Waggoner, Biddle, Gafford, White and Teague:

H. 434. To name and designate the physical education facility at The University of Alabama in Birmingham as The George C. Wallace Building.

State Administration.

By Messrs. Waggoner, Gafford, Biddle, Drake, Crowe, Trammell, Merrill, Andrews, Falkenburg, Kinsey, Pegues, Hill, Harrison, Jolly, Carter, Folmar, Manley, Morris, Campbell, Callahan, Greer, Moore (O), White, Hopping, Warren, Quarles, Armstrong, Hilliard, McNair, Leonard, Porter, Sonnier, Sandusky, Howard, Weeks, McMillan and Tucker:

H. 435. To make an appropriation for capital outlay purposes at the University of Alabama in Birmingham for the fiscal year ending September 30, 1975.

Ways and Means.

By Messrs. Waggoner, Biddle, Crowe, Manley, McNair, Gafford, Teague and Tucker:

H. 436. To further amend Section 788 of Title 51 of the Code of Alabama 1940, as amended, so as to exclude from the excise tax levied thereby, storage, use or other consumption of materials or supplies bought for use in fulfilling a contract for the painting, maintenance, repair or modification of fixed wing aircraft exceeding five (5) tons and rotary wing aircraft exceeding two (2) tons empty weight.

Ways and Means.

By Messrs. LeFlore, Johnstone, Malone, Kennedy, McCulley, Glass, Sonnier, Cooper and Kinsey:

H. 437. To require in the construction of any shopping mall, shopping center or retail store of over 40,000 square feet, or in any additional

construction to any existing shopping mall, shopping center or retail store of over 40,000 square feet the construction and maintenance of public restroom facilities for customers and visitors to said premises separately for members of the male and female sex.

Public Welfare.

By Messrs. Mitchem, Brindley and Kelley (With Notice and Proof):

H. 438. Relating to Marshall County: To authorize the Jury Commission of Marshall County to meet and attend to its duties for a period of ninety days per year, and to provide and authorize for the payment of salary, compensation and expenses of members of the Jury Commission.

Local Legislation No. 1.

Notice and Proof H. 438:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Marshall County: To authorize the Jury Commission of Marshall County to meet and attend to its duties for a period of ninety days per year, and to provide and authorize for the payment of salary, compensation and expenses of members of the Jury Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The Jury Commission of Marshall County shall meet and attend to its duties each year for a period not exceeding ninety days, and that said Jury Commission may meet and attend to its duties for the full amount of said time, if necessary.

Section 2. Each member of the Jury Commission shall receive as salary or compensation for his or her services the sum of \$15.00 for each day while he or she is attending to his or her duties; however, not to exceed the sum of \$1,350.00 per year.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama,

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said notice having appeared in the issues of said paper on April 24, May 1, May 8, and May 15, all in the year 1975.

PAT M. COURINGTON.

Sworn to and subscribed before me May 21, 1975.

PATRICIA SMITH,
Notary Public.

By Messrs. Mitchem, Brindley and Kelley (With Notice and Proof):

H. 439. Relating to Marshall County, granting the county board of education the discretionary power to set the salary of the county superintendent of education, and providing also that said superintendent shall receive any increase in salary as may be granted to the teachers of said county.

Local Legislation No. 1.

Notice and Proof H. 439:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama, and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Marshall County, granting the county board of education the discretionary power to set the salary of the county superintendent of education, and providing also that said superintendent shall receive any increase in salary as may be granted to the teachers of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of education of Marshall County is hereby authorized to determine, at its discretion, the rate of salary payable to the county superintendent of education. Any change in the rate of salary shall take effect upon the expiration of the term of office of the current incumbent superintendent of education in Marshall County. The board of education shall not reduce the compensation of the county superintendent during his term of office. Any salary increases shall be payable from the county public school funds in equal monthly installments.

Section 2. In the event that the teachers of Marshall County receive any salary increase, the superintendent of education of said county shall receive a monthly salary increase in the same dollar amount as the increase provided for teachers holding the highest ranking certificate or to the certificate to which teachers who hold a Master's degree, whichever is greater. Said monthly increases shall be payable out of the public school funds of the county.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. The provision of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 24, May 1, May 8, and May 15, all in the year 1975.

PAT M. COURINGTON.

Sworn to and subscribed before me May 21, 1975.

PATRICIA DIANN SMITH,
Notary Public.

By Messrs. Mitchem, Brindley and Kelley (With Notice and Proof):

H. 440. To authorize the county commission of Marshall County to provide for the relief of Bobby Joe King for the payment of medical expenses due to bodily injuries incurred in the line of duty while a Deputy Sheriff in the Marshall County Sheriff's Department.

Local Legislation No. 1.

Notice and Proof H. 440:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the county commission of Marshall County to provide for the relief of Bobby Joe King for the payment of medical expenses due to bodily injuries incurred in the line of duty while a Deputy Sheriff in the Marshall County Sheriff's Department.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Marshall County is hereby authorized and empowered to appropriate the sum of \$2,600.00 from the general fund of the county for the payment of medical expenses due to bodily injuries incurred on September 2, 1963, received in the line of duty in an accident on Highway 431 North of Guntersville while a deputy sheriff in the Marshall County Sheriff's Department. This is a moral and equitable claim which the county is honor bound to pay to Bobby Joe King for medical expenses for which he has no right of action or legal recourse for recovery.

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Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 24, May 1, May 8, and May 15, all in the year 1975.

PAT M. COURINGTON.

Sworn to and subscribed before me May 21, 1975.

PATRICIA DIANN SMITH,
Notary Public.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Lutz, Moore (W), Smith (B), Starkey, Albright, Gregg and Riddick:

H. J. R. 25. EXPRESSING APPRECIATION FOR THE WORK OF THE MADISON COUNTY SHERIFF'S MOUNTED POSSE

Whereas, the Madison County Sheriff's Mounted Posse consists of a group of volunteers dedicated to Law Enforcement and Public Service; and

Whereas, the members of the Madison County Sheriff's Mounted Posse contribute their time undergoing extensive training in First Aid, Rescue Work, Law Enforcement and other areas which enable them to be of service when called upon; and

Whereas, the Madison County Sheriff's Mounted Posse has responded nobly when called upon to render service and has demonstrated its proficiency to a high degree; and

Whereas, the Madison County Sheriff's Mounted Posse and its members are a credit to their community.

Now, Therefore, be it resolved by the Alabama Legislature, both Houses thereof concurring, that the Legislature does express its sincere appreciation to the Madison County Sheriff's Mounted Posse and its members for the service rendered by it to Madison and surrounding counties. Be it further resolved that copies of this Resolution be forwarded to the Sheriff of Madison County and to the President of the Madison County Sheriff's Mounted Posse.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 25, on the Clerk's desk for one legislative day.

Also:

By Mr. McCulley:

H. J. R. 26. COMMENDING GERALD R. FORD FOR PROMPT ACTION IN THE MAYAGUEZ INCIDENT.

WHEREAS the United States Merchant Ship Mayaguez and her American crew were seized by the arrogant Cambodian communists; and

WHEREAS this seizure was in violation of international law and against the peace and dignity of the United States; and

WHEREAS this ship has a crew of American citizens of which some are native Alabamians; and

WHEREAS it became necessary to use swift and decisive action to protect the lives of the crew; and

WHEREAS President Ford ordered that the necessary steps be taken to recapture our ship and crew; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend President Gerald R. Ford for taking prompt and decisive action that not only insured the safety of the ship and her crew, but also the honor and integrity of the United States.

BE IT FURTHER RESOLVED, That copies of this Resolution shall be sent to the President of the United States, and copies shall be sent to each member of the Alabama Congressional Delegation.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 26, on the Clerk's desk for one legislative day.

Also:

By Mr. Dial:

H. J. R. 27. COMMENDING THE BIBB GRAVES HIGH SCHOOL BASKETBALL TEAM OF MILLERVILLE, ALABAMA

WHEREAS the Bibb Graves High School basketball team won the Clay County and their Area basketball championships and was runnerup in the Hackneyville Invitational Tournament; and

WHEREAS the Bibb Graves team worked diligently, long and hard to achieve the outstanding record. The team made jump shots, foul shots, and rebounds with spectacular ability; and

WHEREAS Coach Frank Toland is due much credit not only for the high degree of technical skill displayed in team play but also for the fine spirit and will to win which is necessary to a winning team; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Bibb Graves High School basketball team for its outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Principal Gordon G. Blair, Coach Frank Toland and players, Ricky Morgan, Mike Bruce, Tony Smith, Bill Packer, Dewey Simmons, Jerry Thomas, Terry Bohannon, Fred Adams, Edward Taylor, and Bill Hayes.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 27, on the Clerk's desk for one legislative day.

Also:

By Mr. Dial:

H. J. R. 28. COMMENDING REV. MARTIN DEWEESE, DR. WAYMON REESE AND THE SEVERAL MEMBERS OF THE BUILDING COMMITTEE OF THE SPRING HILL BAPTIST CHURCH FOR THEIR EFFORTS IN REBUILDING SAID CHURCH FROM TOTAL DESTRUCTION BY A TORNADO.

WHEREAS, the Spring Hill Baptist Church has for many decades been the center of social and religious activities in that community, having been organized in 1851; and

WHEREAS, on Friday January 10, 1975 said church was totally destroyed by a tornado; and

WHEREAS, the hearty and devout members of this congregation refused to let this tragic event disturb the routine services of this great institution, allowing only the Sunday evening service of January 12, 1975 to pass without observance and this only because of no electricity; and

WHEREAS, because of the tireless efforts of Wallace Horn, J. T. Morgan, Wilson Baird, J. D. Horne, Winifred Gibson, R. B. Griffin, G. L. Griffin, Rev. Martin Deweese and Dr. Waymon Reese, groundbreaking ceremonies for the new building were held on March 23, 1975; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend and congratulate these men for their christian efforts in expediting the reconstruction of the Spring Hill Baptist Church;

RESOLVED FURTHER, That a copy of this resolution be sent to the Spring Hill Baptist Church.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 28, on the Clerk's desk for one legislative day.

Also:

By Mr. Dial:

H. J. R. 29. MOURNING THE DEATH OF JOHN T. HUDSON

WHEREAS John T. Hudson, 72, and a resident of Lineville and Clay County for many years passed away recently; and

WHEREAS John T. Hudson was a member of the First United Methodist Church of Lineville, Superintendent of Sunday Schools and Chairman of the Official Board; and

WHEREAS John T. Hudson was Mayor of Lineville from October 1952 to September 1956 and a local businessman in Lineville for many years; and

WHEREAS John T. Hudson was a man of integrity and dignity, loyal to his friends, devoted to his family and dedicated in his sense of duty and responsibility to his church and state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of John T. Hudson and express our deep and sincere sympathy to his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his widow, Mrs. Loretta Hudson, in Lineville.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 29, on the Clerk's desk for one legislative day.

Also:

By Messrs. Baker, Whatley, Higginbotham and Turnham:

H. J. R. 30. CONGRATULATING EMMETT E. TICE UPON BECOMING GOVERNOR-ELECT OF THE ALABAMA CENTRAL DISTRICT OF CIVITANS.

WHEREAS Emmett E. Tice has been recently elected Governor-elect of the Alabama Central District of Civitans; and

WHEREAS Mr. Tice has been involved in Civitan work for eighteen years; and

WHEREAS He is a versatile man, sensitive to the needs of his community, and one who contributes generously to every worthwhile endeavor for the betterment of the area; and

WHEREAS Mr. Tice served as Lieutenant Governor of the East Alabama District for four years; and

WHEREAS Emmett E. Tice contributes generously of his time, talent, and means to the Phenix City Civitan Club; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Emmett E. Tice upon becoming Governor-elect of the Alabama Central District of Civitans.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to Emmett E. Tice and the Phenix City Civitan Club.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 30, on the Clerk's desk for one legislative day.

Also:

By Mr. Folmar:

H. J. R. 31. CONGRATULATING DR. RALPH WYATT ADAMS UPON COMPLETION OF HIS TENTH YEAR AS PRESIDENT OF TROY STATE UNIVERSITY.

WHEREAS, Dr. Ralph Wyatt Adams on October 1, 1974, completed his tenth year as President of Troy State University; and

WHEREAS, during that decade he has become the embodiment of the institution itself; and

WHEREAS, under his leadership Troy State University has expanded its course offerings, its majors, and its branch campuses until it has become one of the South's leading exponents of innovative education; and

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WHEREAS, because of Dr. Adams' vigilance, Troy State University's faculty is now composed of more distinguished members and more qualified teachers possessing terminal degrees than at any time in its history, with a larger percentage belonging to Phi Beta Kappa and Pi Kappa Phi than can be found in any other university faculty in Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we pay tribute to Dr. Ralph Wyatt Adams for outstanding and unparalleled service to this state and to Troy State University.

BE IT FURTHER RESOLVED, That we wish Dr. Adams much happiness and satisfaction in all his future endeavors.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Dr. Ralph Wyatt Adams and his family.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 31, on the Clerk's desk for one legislative day.

Also:

By Mr. Folmar:

H. J. R. 32. COMMENDING DR. JOHN M. LONG FOR COMPLETION OF TWENTY-FIVE YEARS OF OUTSTANDING LEADERSHIP IN ALABAMA MUSIC.

WHEREAS Dr. John M. Long is currently completing his twenty-fifth year of outstanding leadership in Alabama music; and

WHEREAS his "Sound of the South" band at Troy State University has become one of the greatest and most famous collegiate musical organizations in the nation; and

WHEREAS Dr. Long's contributions to the arts and culture of his native State have been equaled by few and surpassed by none; and

WHEREAS his unstinting devotion to the young people with whom he has spent his life entitle him to the thanks and appreciation of the entire State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take cognizance of this occasion and express to Dr. John M. Long our commendation for twenty-five years of work well done, spent entirely in the service of others, and do wish him many more years of success in his career.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to Dr. John M. Long and Dr. Ralph W. Adams, President of Troy State University.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 32, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 33. WISHING THE SPEEDY RECOVERY OF T. W. COOK.

WHEREAS, T. W. Cook has been a prominent citizen of Chambers County for many years; and

WHEREAS, he has done much more than his pro rata share to promote the good life and well being of his fellow man; and

WHEREAS, he has served unselfishly and without remuneration or hope of worldly gain; and

WHEREAS, it has recently come to the attention of the State that T. W. Cook has succumbed to ill health and is now recuperating;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That it does hereby take this opportunity to express grateful appreciation to T. W. Cook for his public contributions; and

BE IT FURTHER RESOLVED, That the State does wish him a rapid and immediate recovery; and

BE IT EVEN FURTHER RESOLVED, That upon recovery, the State does request that T. W. Cook re-enter public life and resume his traditional place of leadership.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 33, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 34. A RESOLUTION COMMEMORATING THE RANDOLPH COUNTY SCHOOL BUS DRIVERS FOR A JOB WELL DONE.

WHEREAS, the School bus Drivers of Randolph County are true and dedicated citizens; and

WHEREAS, they have constantly and steadfastly performed their duty far and above what is demanded in the normal course of their job; and

WHEREAS, they have protected the life and limb of each child entrusted to their care even at the peril of their own protection; and

WHEREAS, they have once again demonstrated their skills and God-given talents by completing another year free from fatality or grave bodily harm to any child;

NOW THEREFORE BE IT RESOLVED that the Alabama House of Representatives does hereby stop and pause and give full recognition and credit to the School bus Drivers of Randolph County for the outstanding feat they have performed; and

BE IT FURTHER RESOLVED that each School bus Driver in Randolph County shall receive a copy of this resolution as a permanent symbol of the high adoration to which they are held by the Alabama House of Representatives and the entire people of Randolph County.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 34, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 35. A RESOLUTION COMMEMORATING GUY HARTWELL HANDLEY FOR HIS BEING CHOSEN OUTSTANDING GOVERNMENT STUDENT AT HANDLY HIGH SCHOOL.

WHEREAS, Guy Hartwell Handley has for many years attended Handly Public High School; and

WHEREAS, he has constantly practiced the Biblical admonition "study to show thyself approved;" and

WHEREAS, he has truly developed into a scholar who shall someday assume his rightful position as a leader of men; and

WHEREAS, his scholarship and leadership ability has been fully recognized by his being chosen outstanding Government student;

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That this body does hereby take note of this substantial honor bestowed upon Guy Hartwell Handley and does offer its best wishes for a long and fruitful career as a servant of mankind; and

BE IT FURTHER RESOLVED, That the said Guy Hartwell Handley be invited to be a Page in the Alabama House of Representatives under the direction of the Randolph County Representative, Monroe Smith.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 35, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 36. WHEREAS, the members of the Retired Teachers Association of Randolph County did for many years teach in the public schools of Randolph County; and

WHEREAS, they did teach, train and indoctrinate the values of true Americanism into at least two generations of young people and did send them into the world prepared for any eventuality; and

WHEREAS, they have for more than one-half century shown by deed, voice and example what the attributes of a good citizen are; and

WHEREAS, even in retirement they are continuing to be of invaluable assistance to Randolph County and their fellowman;

NOW, THEREFORE, BE IT RESOLVED THAT THE HOUSE OF REPRESENTATIVES does take this appropriate time to stand and give them due recognition for the numerous contributions they have made; and

BE IT FURTHER RESOLVED THAT THE ALABAMA HOUSE OF REPRESENTATIVES does hereby publicly acknowledge the Retired Teachers Association of Randolph County for its one-half century of keeping the lights of learning brightly akindled.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 36, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 37. A RESOLUTION COMMEMORATING THE CHAMBERS COUNTY SCHOOL BUS DRIVERS FOR A JOB WELL DONE.

WHEREAS, the School bus Drivers of Chambers County are true and dedicated citizens; and

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WHEREAS, they have constantly and steadfastly performed their duty far and above what is demanded in the normal course of their job; and

WHEREAS, they have protected the life and limb of each child entrusted to their care even at the peril of their own protection; and

WHEREAS, they have once again demonstrated their skills and God-given talents by completing another year free from fatality or grave bodily harm to any child;

NOW THEREFORE BE IT RESOLVED that the Alabama House of Representatives does hereby stop and pause and give full recognition and credit to the School bus Drivers of Chambers County for the outstanding feat they have performed; and

BE IT FURTHER RESOLVED that each School bus Driver in Chambers County shall receive a copy of this resolution as a permanent symbol of the high adoration to which they are held by the Alabama House of Representatives and the entire people of Chambers County.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 37, on the Clerk's desk for one legislative day.

ADJOURNMENT

On motion of Mr. Manley, the House adjourned until 10:00 o'clock a.m., Thursday, May 29, 1975.

THIRD DAY

House of Representatives
Montgomery, Alabama
Thursday, May 29, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Jimmy Howard, Pastor, United Methodist Church, Wedowee, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J),

Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the second legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the second legislative day was approved.

BILLS ON SECOND READING

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 212. (With Amendments): To provide for a sentence of death or life imprisonment without parole in certain aggravated offenses; to prescribe the manner of charging and sentencing in such cases and to eliminate lesser included offenses in such cases; to limit the maximum punishment in all other cases to life imprisonment; to provide for an effective date of this act.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 61. To revise existing bail practices in the courts of Alabama to assure that all persons, regardless of their financial or social status, shall not needlessly be detained pending their appearance to answer charges, to testify, or pending appeal, when detention serves neither the ends of justice nor the public interest, to be known as "The Alabama Bail Reform Act of 1975," prescribing means in addition to the giving of bail bonds by which a person charged with an offense may give security for appearance in order to secure his release and amending certain sections of the Code of Alabama 1940 to conform with such revision.

H. 139. Relating to liability for personal injury, death or property damage proximately caused by the negligence or wanton misconduct of servants, agents or employees of cities and towns where such cities and towns are insured against tort liability.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 142. (With Amendment): To authorize and provide for minute entries in misdemeanor cases appealed from a city recorder's court, county court, mayor's court, police court or any municipal court, to the circuit courts or any other courts of record in Alabama.

H. 150. (With Amendment): To amend Code of Alabama of 1940, Title 13, Section 262 relative to disposition of court reporter's notes and exhibits in his custody.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 225. To amend Section 2-316 of Act No. 549, S. 2, Regular Session 1965 (Acts 1965, p. 811) (now appearing in Title 7 A, in the supplement to Code of Alabama, recompiled 1958), which is the Alabama Uniform Commercial Code, and which Section 2-316 concerns the exclusion or modification of the implied warranties of merchantability or fitness for a particular purpose to circumscribe the limitation or exclusion of the implied warranty of merchantability or fitness for a particular purpose in the sale or lease of new consumer goods.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 14. To amend further Code of Alabama 1940, Title 42, Section 12, as amended, so as to allow a delinquent parolee to receive credit toward fulfillment of the execution of his sentence to imprisonment for the time spent in prison after the date of his arrest as a delinquent parolee.

H. 240. To require state officials and certain state employees to file financial disclosure statements; to prescribe the procedure for filing such statements; to allow inspection of such financial statement in certain circumstances; and to prescribe the duties of the Clerk of the House and the Secretary of the Senate under the provisions of this act; to repeal the state ethics law viz. Act No. 1056, S. 1, Regular Session 1973 [Acts 1973, p. 1699, now appearing in Code of Alabama 1940, Recompiled 1958, Title 55, Sections 327 (8) - 327 (39)].

H. 176. To name the Speech and Hearing Center at the University of Montevallo the "George C. Wallace Speech and Hearing Center."

H. 137. Relating to the licensing of embalmers, extending the powers and duties of the board of embalming, further regulating fees and prescribing additional standards, duties and penalties for licensees, for such purpose as amending Code of Alabama 1940, Title 46, Sections 124, 126, 127 and 128.

Mr. Malone, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 39. To change the name of the "Director" of the Department of Labor to the "Commissioner" of the Department of Labor.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following

bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 42. To allow for the lawful dispensing by any food-service establishment of sugar in containers other than individual, single service packages.

H. 71. Further amending Code of Alabama 1940, Title 22, Section 21 and 22 relating to Vital Statistics redefining registration districts and provide for local and deputy registrars.

H. 234. To further amend Sections 2, 3, 4, 5, 6, 7 and 8 of Act No. 867, S. 210, Regular Session 1965, [Acts 1965, p. 1615; now appearing in Code of Alabama, Recompiled, 1958, as Title 46, Sections 189 (33 thru 47)], as amended, and entitled "An Act To better provide for the public health by providing for the regulation and approval of schools of nursing, for the examination, regulation and licensing of professional and practical nurses; to create and define the powers of the Board of Nursing and the Advisory Council for practical nursing; to provide for the appointment and prescribe the terms of office, duties and compensation of members of such Board and of such Council; to provide for disciplining licensees and for appeals from decisions of the said Board; to prescribe penalties for violation of the provisions of this Act; and to make further provisions for the purpose of carrying out this Act," and to repeal conflicting statutes.

H. 84. To require the directors of all laboratories in this state to report all positive tests for tuberculosis to the State Board of Health, and prescribing penalties for violations.

H. 314. To provide for the control and disposal of solid wastes as generated by the general public, businesses, institutions, and industry, and to require counties and municipalities to provide for the collection and disposal of solid wastes and authorize them to charge a fee therefor, and to contract for such services to be performed by others and to permit the formation of districts for areas beyond corporate limits or cooperative joint or mutual agreements between county governments and municipal governments for the operation and implementation of solid wastes management in a manner meeting public health standards, and granting authority for the establishment of rules and regulations to enforce the provisions of this Act, and to provide a penalty for violating this Act and rules and regulations pursuant thereto in the interest of the public health, comfort and safety.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 175. To make unlawful the selling of certain game fish caught or taken from any of the fresh waters of this or any other state, prescribing the penalty therefor.

H. 180. To transfer any remaining funds out of the appropriation made to the Department of Conservation, Division of State Parks, Monuments and Historical Sites, by Act No. 653, H. 91, approved September 6, 1961 (Acts 1961, p. 790) to the Alabama Historical Commission to be expended for the restoration and development of the Fort Toulouse Site in Elmore County.

H. 215. To designate the wild turkey as the official state game bird for the State of Alabama.

H. 227. To make an appropriation to the Division of Game and Fish, Department of Conservation and Natural Resources from the Game and Fish Fund for the purchase of radio communications equipment.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 119. (With Amendments): To amend Code of Alabama 1940, Title 8, Sections 92 and 93 relative to maximum penalties for hunting on the property of another without permission.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 113. (With Amendment): To provide for and regulate absentee voting in primary, general, special and municipal elections; prescribing penalties for violations of the Act; repealing conflicting laws and specifically repealing Act No. 424, H. 351, Regular Session 1949 (Acts 1949, page 601) and all acts amendatory and supplemental thereto.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 100. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide an additional clerk-hire allowance for the Judge of the Winston County Court of Law and Equity, Winston County, Alabama, and to provide for the payment of same.

H. 101. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide for the hiring of two (2) new Deputies and to provide for the payment of their salaries.

H. 214. To amend Act No. 192, H. 526, 1971 Regular Session (Acts 1971, p. 487), entitled "An Act Relating to Calhoun County; providing for meetings of and clerical assistance to the board of registrars of Calhoun County," relative to the salary of the executive secretary to the board, to make the provisions of this amendatory act retroactive.

H. 238. To repeal Act No. 31, S. 104, approved September 23, 1965, Second Special Session 1965 (Acts of Alabama 1965, p. 47) entitled, "An Act Relating to counties having a population of not less than 27,000 nor more than 30,000 according to the most recent federal decennial census; to provide for a solicitor's fund therein when the solicitor resides in such county from the solicitor's fees taxed and collected as costs and providing for the expenditure and use thereof."

H. 248. To repeal Act No. 1205, H. 31, 1971 Regular Session (Acts of 1971, p. 2091), entitled "An Act Relating to counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; to provide further for the type of

newspapers in which certain notices required to be published in newspapers under the provisions of Section 713, Title 7, Code of Alabama 1940, may be published."

H. 254. Providing that the Probate Judge of Randolph County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

H. 255. Relating to Randolph County: providing further for the compensation of election officials.

H. 256. Relating to Randolph County: To provide further for the distribution of fines and forfeitures in certain cases.

H. 310. To amend Section 2 of Act No. 25, H. 50, Second Special Session 1975, approved March 10, 1975, entitled "An Act Relating to all counties having a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census; providing an expense allowance for the Judge of the Inferior Court of that county and providing an expense allowance for the County Solicitor of that county," so as to correct a technical omission in said Section 2 and to give the provisions of this amendatory act retroactive effect to March 10, 1975.

H. 325. Relating to Clay County, authorizing the governing body to employ such clerical and secretarial employees as may, from time to time, be deemed necessary, subject to the availability of county funds for such purposes.

H. 326. Relating to Clay County, authorizing the county commission to retain one-half of the fines received for violations resulting from state trooper arrests in that county, and providing such funds be credited to the county general fund.

H. 346. Relating to counties having a population of not less than 12,700 nor more than 13,100 according to the most recent federal decennial census; to provide for an expense allowance for members of the board of education; to provide that said allowance shall be the only form of compensation for said members and to repeal all conflicting statutes.

H. 347. To amend Sections 2 and 4 of Act No. 354, H. 1051, 1973 Regular Session (Acts of 1973, p. 490) entitled "An Act Relating to counties having a population of not less than 12,700 and not more than 13,100 according to the most recent federal decennial census; to provide for the compensation and certain expenses of the register of the circuit court in any such county, payable from county funds; and providing for certain other duties of such register," so as to provide further for an expense allowance for the register.

H. 72. Relating to Lawrence County, abolishing the fine and forfeiture fund of Lawrence County and providing that all monies now in the fine and forfeiture fund or hereafter collected for such fund shall be paid into the general fund of such county and that all claims due or to become due from the fine and forfeiture fund shall be paid from the general fund of the county; providing that witness certificates obtained as a state's witness before the grand jury or the circuit court, county court or other inferior court in which a criminal prosecution is pending shall be paid from the general fund on presentation; providing that all monies now held or hereafter collected as witness fees for state's witnesses in the circuit court, county court or other inferior court shall be paid on collection into the general fund of the county.

H. 74. Relating to Lawrence County; to provide an additional expense allowance for the coroner.

H. 75. To amend further Section 1 of Act No. 62, H. 325, Regular Session 1959, as last amended, regulating the meetings of the county board of education of Lawrence County, so as to provide further for the compensation and allowances of the board members.

H. 257. To amend the title and Section 2 of Act No. 476, H. 305, Regular Session 1973 (Acts 1973, p. 691), which act relieves the chief clerk of the probate judge of Chambers County of certain duties, so as to correct an error in a citation to a certain act.

H. 258. Relating to Chambers County; to authorize and permit persons who are drawing retirement from the state to be employed on a part-time basis by the county; to prescribe certain limitations thereon and to repeal conflicting statutes.

H. 259. Providing that the Probate Judge of Chambers County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

H. 260. Relating to Chambers County; to regulate further the compensation of the coroner of Chambers County.

H. 269. Relating to all counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent or any subsequent federal decennial census; to provide an additional expense allowance for the board of equalization.

H. 301. To authorize the Marengo County Commission to pay an expense allowance to the judge of probate in Marengo County, and to make the provisions of this act retroactive.

H. 358. To authorize the charging of a "convenience fee" in the amount of 25 cents on the sale of any hunting or fishing licenses sold in Morgan County by any special agent who sells hunting or fishing licenses in the City of Decatur under authority granted pursuant to the provisions of Act No. 628, H. 351, p. 1082, Acts of Alabama, 1951 Regular Session of the Alabama Legislature; prescribing penalties for the violation of the provisions of this act.

H. 408. Relating to counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census, and to the largest and second largest municipalities located within each such county, to establish lengths and periods of time for the sheriff and deputies of said counties and for the policemen and firemen of the largest and second largest municipalities located within each such county, in which such persons would be recognized for services rendered by granting such persons an extra annual allowance after a minimum of five years service.

H. 422. To provide further for the salary of any deputy clerk or register in a city other than the county seat in counties having a population of not less than 33,550 nor more than 34,000 according to the most recent federal decennial census.

H. 425. Relating to all counties having populations of not less than 33,550 nor more than 34,000, according to the most recent federal decennial census; providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations; and repealing all conflicting laws and parts of laws general, local and special.

H. 427. To provide an increase in salary for the deputy circuit clerk serving in the western one-half ($\frac{1}{2}$) of all counties having a population of not less than 33,550 nor more than 34,000 inhabitants according to the most recent or any subsequent federal decennial census.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Drake:

H. J. R. 38. MEMORIALIZING CONGRESS TO MAINTAIN THE FREEDOM AND SECURITY OF THE REPUBLIC OF CHINA.

WHEREAS, the United Nations has expelled the representatives of the Republic of China from membership and seated in their place a delegation from the Communist government which occupies mainland China; and

WHEREAS, the United States Government has in recent years established contact with the leaders of said Communist government; and

WHEREAS, rumors persist that the United States Government intends to extend diplomatic recognition to the Chinese Communists; and

WHEREAS, the Republic of China was a founding member of the United Nations and has always been a law-abiding member of the community of nations; and

WHEREAS, the people of the Republic of China have built a successful, prosperous, free economy out of the ashes of a half century of revolution, invasion and civil war and now serve as an important trading partner and ally of the American people; and

WHEREAS, the Republic of China is of great strategic importance in the defense of East Asia and the Pacific and has always utilized its military power in the interests of the free world; and

WHEREAS, the people of the Republic of China have been among the most trusted friends and allies of the United States since the founding of the Chinese Republic sixty-two years ago; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the government of the United States of America is hereby strongly urged to do nothing which would compromise the freedom or security of the Republic of China or its people.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to the President and the Secretary of State of the United States of America, the members of Congress from the State of Alabama and the Ambassador of the Republic of China to the United States.

On motion of Mr. Drake, the rules were suspended and the resolution, H. J. R. 38, was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Burgess, Campbell, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Gregg, Hall, Harris, Hill, Hilliard, Holley, Hopping, Howard, Jackson (F), Jolly, Kelley, Killian, Lee, LeFlore, Leonard, Lewis,

Lockett, Lutz, McCluskey, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Weeks and White.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show all members voting "Yea" on the resolution, H. J. R. 38, as co-sponsors.

Also:

By Mr. Crowe:

H. J. R. 39. APPROVING THE ATTENDANCE OF MRS. MARILYN QUARLES AT THE ANNUAL MEETING OF THE NATIONAL ORDER OF WOMEN LEGISLATORS AND TO REIMBURSE HER FOR ORDINARY AND NECESSARY EXPENSES.

WHEREAS, The Alabama Legislature is privileged to have among its members a woman legislator, the lovely and gracious Mrs. Marilyn Quarles; and

WHEREAS, it is in the best interest of the State of Alabama to be officially represented at the Annual Convention of the National Order of Women Legislators which has as its basic purpose the discussion of legislative matters of mutual interest to the various states; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the lovely and gracious Mrs. Marilyn Quarles be appointed Alabama's official delegate to the Annual Convention of the National Order of Women Legislators to be held in Kansas City, Missouri, October 26 through October 30, 1975 and that she be reimbursed for ordinary and necessary expenses in attending this important convention from the funds appropriated to the use of the Alabama Legislature upon the certificate of the Clerk of the House.

The resolution, H. J. R. 39, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Crowe:

H. J. R. 40. CREATING THE LONG-RANGE HIGHWAY DEVELOPMENT STUDY COMMITTEE.

WHEREAS the Governor of the State of Alabama in recognition of the fact that a long-range program of highway development in Alabama is vital to industrial and agricultural growth and to the future of well-being of the people of Alabama; and

WHEREAS the Governor desires that this highway system be adequate to meet the expanding needs of Alabama citizens, and the cost of highway construction, maintenance and administration to support such an adequate highway system be derived from a soundness of scope, efficient performance, and fiscal responsibility in both policy and planning; and

WHEREAS the State Highway Department, working under authorization of the Governor and, in concert with the Alabama Citizens

for Transportation (ACT)—a voluntary state-wide citizens group—and research teams from Auburn University's School of Engineering and University of Alabama's School of Business and Commerce have, during the past 18 months spent more than 6,000 man-hours in a study of Alabama's long-range highway needs as related to—(1) commuter benefits (direct savings to Alabama's working men and women and traveling to job from home and return), (2) industrial growth (3) recreation, (4) tourism, (5) safety and (6) ecology; and

WHEREAS findings from such study having been forwarded to Governor George C. Wallace recommending the enactment of a long-range highway plan based on the aforementioned criteria which will establish continuity to highway construction, thereby enabling the Alabama State Highway Department to operate at maximum efficiency, thus saving Alabama taxpayers millions of dollars; and

WHEREAS the enactment of a long-range highway program will indicate to Alabama taxpayers exactly what their dollars are buying, and therefore, enhance public confidence in a responsible and tangible expenditure of public funds; and

WHEREAS the aforementioned study is the most detailed and comprehensive evaluation of Alabama's future highway ever undertaken and this evaluation and its subsequent implementation will be of immeasurable benefit to all Alabamians and encourage the judicious expenditure of taxpayer's dollars for a highway system that will meet Alabama's needs for the next twenty years; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a Legislative Study Committee which shall be composed of ten members, five each to be appointed by the presiding officer of the House and the Senate and who shall choose their chairman and vice-chairman at their first meeting, shall be formed to examine all aspects of the aforementioned study and work in close concert with the Alabama Highway Department, the leaders of Alabama Citizens for Transportation (ACT) and other interested Alabamians. The committee shall hold public hearings if deemed appropriate and shall make diligent inquiry and a full examination of Alabama's long-term future highway needs and they shall file their reports of their findings and recommendations to the Alabama Legislature not later than the tenth legislative day of the 1975 Regular Session at which time the committee shall be dissolved.

Upon the request of the chairman the secretary of the Senate and the clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee when the Legislature is not in session or when the Legislature is in recess without pay. Such sums shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

The resolution, H. J. R. 40, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Crowe:

H. J. R. 41. CONGRATULATING JOHNNY B. KIRK UPON BEING SELECTED TO PLAY IN THE HIGH SCHOOL ALL STAR GAME.

WHEREAS Johnny B. Kirk has exhibited outstanding play at both ends of the court this past season for the Oakman High School Basketball team; and

WHEREAS Johnny has been named to participate in the High School all star game in Tuscaloosa; and

WHEREAS Johnny B. Kirk was an all county performer for the Oakman "Wildcats"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we send our hearty congratulations to Johnny B. Kirk for his outstanding performance.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Johnny, his parents and coach.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 41, on the Clerk's desk for one legislative day.

Also:

By Mr. Crowe:

H. J. R. 42. CONGRATULATING MR. AND MRS. ATTLEY C. SMITH ON THEIR GOLDEN ANNIVERSARY.

WHEREAS Mr. and Mrs. Attley C. Smith celebrated their golden wedding anniversary, April 13; and

WHEREAS Mr. and Mrs. Attley C. Smith are residents of Parrish; and

WHEREAS many relatives and friends wish to express their congratulations to the couple; and

WHEREAS Mr. and Mrs. Attley C. Smith's life time of love and devotion should serve as an inspiration to all married couples; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we send our hearty congratulations to Mr. and Mrs. Attley C. Smith upon the happy occasion of their Golden Wedding Anniversary and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Attley C. Smith.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 42, on the Clerk's desk for one legislative day.

Also:

By Mr. Crowe:

H. J. R. 43. MOURNING THE DEATH OF KENNY WASHINGTON.

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Kenneth Washington of Cordova; and

WHEREAS Kenny has excelled as a student athlete at Cordova High School. He was quarterback of the football team and had recently been selected to the Daily Mountain Eagle All-County Basketball squad; and

WHEREAS Kenny Washington was known as a leader both on and off the field of athletic endeavor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Kenneth Washington and express our deep and sincere sympathy to his family to whom copies of this resolution shall be sent.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 43, on the Clerk's desk for one legislative day.

Also:

By Mr. Crowe:

H. J. R. 44. CONGRATULATING MISS ELOISE KIDD UPON BEING NOMINATED "OUTSTANDING WOMAN OF THE YEAR" BY THE ALABAMA PHYSICALLY HANDICAPPED ASSOCIATION.

WHEREAS The highest honor that can be bestowed upon a lady member of the Alabama Physically Handicapped Association is the title "Outstanding Woman of the Year," and

WHEREAS The Double Springs Chapter of AI-PHA has nominated Eloise Kidd of Haleyville; and

WHEREAS The competition has been narrowed down to two contestants; and

WHEREAS The winner will be announced at the opening ceremonies of the 22nd annual AI-PHA Convention to be held in Haleyville; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Miss Eloise Kidd upon being nominated "Outstanding Woman of the Year" by the Alabama Physically Handicapped Association.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Miss Kidd and to the Double Springs Chapter of AI-PHA.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 44, on the Clerk's desk for one legislative day.

Also:

By Mr. Crowe:

H. J. R. 45. CONGRATULATING W. B. CURRY UPON HIS RETIREMENT.

WHEREAS William Bonner Curry recently retired from the banking business of Walker County; and

WHEREAS W. B. Curry is a prominent and influential leader in the civic, social, and religious life of his city and where he has continued to take an active part in the betterment of his community and is particularly interested in the growth of Walker County; and

WHEREAS Mr. Curry is a descendant of families long prominent in the history of Alabama and of the South who, in the highest tradition, carried forward the precepts of his forbears; and

WHEREAS W. B. Curry has been involved in the banking business for fifty-seven years; and

WHEREAS Mr. Curry was married in 1925 to the former Grace Simpson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate William Bonner Curry for his long and faithful service and wish him many happy and productive years of retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. W. B. Curry.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 45, on the Clerk's desk for one legislative day.

Also:

By Mr. Warren:

H. J. R. 46. HONORING N. S. "NICK" HARE FOR HIS PIONEER WORK ON THE NEW ALABAMA RULES OF CIVIL PROCEDURE AND IN THE FIELD OF JUDICIAL REFORM.

WHEREAS N. S. "Nick" Hare is one of the leading attorneys and outstanding citizens of Monroe County and is a former member of this Legislature; and

WHEREAS Mr. Hare comes from a family that has a long history of dedicated service to the legal profession and their fellowman; his father, the Honorable F. W. Hare, having been an attorney and one of the outstanding circuit judges of South Alabama, serving the counties of Monroe, Conecuh, Eescambia and Baldwin as their circuit judge; and his maternal grandfather Nicholas Stallworth, having been the Judge of Probate of Monroe County; and

WHEREAS N. S. "Nick" Hare did, while he was a member of this Legislature, introduce and secure the passage of Act No. 145, H. J. R. 35, page 390, Acts of Alabama 1955, which provided for the establishment of the Judiciary Advisory Council and the Commission for Judicial Reform; and

WHEREAS Mr. Hare, as chairman, and the other members of the Legislature serving with him on the Judiciary Advisory Council were able to secure the services of some of the leading judges, attorneys and law professors in this state to serve on the Commission for Judicial Reform and to secure many other outstanding members of the bench and bar of this state who donated their talents and services to the Commission and to the Council; and

WHEREAS after much diligent and difficult, but fruitful labor the Commission and Council did bring forth a complete and final draft of a new proposed, "Alabama Rules of Civil Procedure," based on the federal rules of civil procedure which were submitted in 1957 to the Legislature for its consideration; and

WHEREAS the Legislature did not adopt these rules at that time, nevertheless, this labor and hard work was not wasted as they served

as the basis of the "Alabama Rules of Civil Procedure" recently adopted by the Alabama Supreme Court that went into effect July 3, 1973; and

WHEREAS the Legislature wishes to honor and recognize the Honorable Nicholas Stallworth Hare for his outstanding pioneer work on these new "Alabama Rules of Civil Procedure" and his other endeavors of the field of judicial reform and public service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Honorable Nicholas Stallworth Hare is thanked by this Legislature on behalf of the people of this state for having devoted unselfishly of his time, energy and talent to his fellowman and his chosen profession and for his outstanding and effective pioneer work on the "Alabama Rules of Civil Procedure" and his other endeavors in the field of judicial reform.

BE IT FURTHER RESOLVED BY THIS LEGISLATURE, That the Secretary of the Senate send Mr. Hare a copy of this resolution as a memento of their esteem and the gratitude of the people of this state.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 46, on the Clerk's desk for one legislative day.

Also:

By Mr. Rich:

H. J. R. 47. COMMENDING THE HOKES BLUFF HIGH SCHOOL, IN ETOWAH COUNTY, FOR WINNING THE 1975 STATE 2A HIGH SCHOOL BASEBALL CHAMPIONSHIP.

WHEREAS, the Hokes Bluff High School Baseball team won the 1975, State 2A baseball championship, by defeating Elmore County High School by scores of 5 to 3 and 4 to 1 in the finals, due to their outstanding ability and play; and

WHEREAS, the team worked diligently, long and hard to achieve this outstanding record; and

WHEREAS, the coaches, Mike Estes and David Wright, are due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to a winning team; and

WHEREAS, the spirit of the team is reflective of their school, faculty, parents and the good citizens of their area; and

WHEREAS, the 1976 team is also expected to reach high goals, since 6 of the 9 starters will be returning; Now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and commend the Hokes Bluff High School for winning the 1975, State 2A baseball championship.

BE IT FURTHER RESOLVED, That the coaches and team members are invited to attend the Tuesday, June 3rd session of the Alabama House of Representatives to formally receive this resolution.

On motion of Mr. Rich, the rules were suspended and the resolution, H. J. R. 47, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Goodwin (With Notice and Proof):

H. 441. Relating to the coroner's office in Franklin County; to provide for the coroner to appoint a deputy coroner; to prescribe the duties and compensation of said office; to provide for an increase in the compensation of the coroner's secretary and to repeal all conflicting statutes.

Local Legislation No. 1.

Notice and Proof H. 441:

STATE OF ALABAMA
COUNTY OF FRANKLIN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to the coroner's office in Franklin County; to provide for the coroner to appoint a deputy coroner; to prescribe the duties and compensation of said office; to provide for an increase in the compensation of the coroner's secretary and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner of Franklin County is hereby authorized to appoint a qualified person to serve as deputy coroner in the absence of the coroner or during periods when the coroner may be incapacitated. When called upon to serve, said deputy coroner shall have the same legal authority and responsibility as the coroner. The salary of the deputy coroner shall be \$25.00 per month, to be paid from the general fund of said county in the same manner as other elected and appointed officials are paid.

Section 2. The salary of the Franklin County Coroner's secretary shall be in the amount of \$150.00 per month which shall be paid from the county general fund in the same manner as other elected and appointed officials are paid.

Section 3. All laws or parts of laws in conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF FRANKLIN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Claude E. Sparks, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Franklin County Times, a newspaper

of general circulation published in Franklin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 24, May 1, May 8, and May 15, all in the year 1975.

CLAUDE E. SPARKS.

Sworn to and subscribed before me May 16, 1975.

MAE G. STREIT,
Notary Public.

By Messrs. Coburn, Merrill, Gafford, Owens, Manley, Kinsey and Teague:

H. 442. To make a supplemental appropriation to the Department of Conservation and Natural Resources, Divisions of Game and Fish and Water Safety.

Conservation.

By Messrs. Smith (J), Crawford, Carothers, Sasser and Williams:

H. 443. To make an appropriation to the use of the Southeast Choctawhatchee River Watershed Association.

Ways and Means.

By Messrs. Crowe, Callahan, Owens, Morris, Biddle, Jolly, Cooper, Pegues, Johnson, Robertson, Riddick, Manley, Higginbotham, Holmes, Lewis, Hines and Smith (J):

H. 444. To require a notification procedure for the issuance by counties, cities, towns, municipalities and public corporations of industrial revenue bonds under Act No. 178 enacted at the 1961 Extra Session of the Alabama Legislature (1961 Acts, p. 2147, et seq.), as amended (relating to industrial revenue bonds to be issued by counties), Act No. 756, enacted at the 1951 Regular Session of the Alabama Legislature (1951 Acts, p. 1307, et seq.) as amended (relating to industrial revenue bonds to be issued by municipalities), Act No. 648, enacted at the 1949 Regular Session of the Alabama Legislature (1949 Acts, p. 991, et seq.) as amended (relating to industrial revenue bonds to be issued by industrial development boards), Act No. 516, enacted at the 1955 Regular Session of the Alabama Legislature (1955 Acts, p. 1160, et seq.) as amended (relating to industrial revenue bonds to be issued by medical clinic boards), Act No. 4, enacted at the 1956 Second Special Session of the Alabama Legislature (1956 Acts, p. 240, et seq.), as amended (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337 enacted at the 1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625 et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotels and motels projects), to provide, in addition to their present functions and duties, the functions and duties of the Alabama Securities Commission and its Director (established under Act No. 740 enacted at the 1969 Regular Session of the Alabama Legislature, Acts of 1969, p. 1316, et seq. with respect to such industrial revenue bonds, to establish and provide for the membership, functions and duties of the State Industrial Revenue Bond Advisory Council; to authorize the issuance of stop orders by the Alabama Securities Commission and/or the Director delaying or prohibiting the issuance of industrial revenue bonds; to provide for certificates of formal compliance by the Director, the effect of such certificate, and a remedy for failure or refusal of the Director to issue such certificate; to provide criminal penalties for willful violations of this act or stop orders issued thereunder; and to provide relief from

stop orders of the Director by readoption by the governing body of the issuer of the authorizing proceedings or by judicial validation under Title 7, Section 169, et seq., Alabama Code of 1940, as amended (relating to the judicial validation of securities issued by counties, cities and towns) and Act No. 859 of the 1953 Regular Session of the Alabama Legislature (Acts of 1953, p. 1148, et seq. (relating to the judicial validation of securities issued by boards and public corporations) and as supplemented in this act for proceedings hereunder, and relief from stop orders of the Council by such judicial validation.

Local Government.

By Mr. Crowe (With Notice and Proof):

H. 445. To permit any bank having its principal place of business in Winston County to establish and operate one or more branches in Winston County.

Local Legislation No. 1.

Notice and Proof H. 445:

STATE OF ALABAMA
COUNTY OF WINSTON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To permit any bank having its principal place of business in Winston County to establish and operate one or more branches in Winston County.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank whose principal place of business is located in Winston County may, with the written consent of the State Superintendent of Banks, establish, maintain, and operate anywhere within the limits of Winston County one or more branches or branch banks, branch offices, branch agencies, additional offices or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking and trust business.

Section 2. Any such branch bank as referred to in Section 1 of this Act already in operation in Winston County, Alabama, shall upon passage of this Act be and the same is approved for continued operation.

Section 3. All laws or parts of laws which conflict with this Act are specifically repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF WINSTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Don Thrasher, who, being by

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me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Northwest Alabamian, a newspaper of general circulation published in Winston County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 17, April 24, May 1, and May 8, all in the year 1975.

DON THRASHER.

Sworn to and subscribed before me May 13, 1975.

MILDRED GREGG,
Notary Public.

By Mr. McCluskey:

H. 446. To amend Title 46, Section 65, Code of Alabama, 1940, as amended, which defines the term "general contractor" so as to increase the amount in said definition from twenty thousand dollars to forty thousand dollars.

Judiciary.

By Mr. McCluskey:

H. 447. Relating to crimes and offenses; making it a misdemeanor for any person intentionally to injure, disturb, or interfere with any emergency call box which is erected along a public street or highway, and making it a misdemeanor willfully to create a false alarm, and prescribing penalties for violating the provisions of this Act.

State Administration.

By Messrs. McCluskey, Owens, Callahan, Carter and Cross:

H. 448. To provide supernumerary public service commissioners to serve on the staff of the Alabama public service commission or its successor and as counselors and advisors to the legislature of Alabama; to prescribe their qualifications, duties, powers, tenure and fixing their compensation and the method of payment.

Ways and Means.

By Messrs. Moore (O), Gafford, Waggoner, Carothers, McNees, Trammell, Hopping, Lee, Jackson (F), Dial, Campbell, Pegues, McCluskey, Sparks, Jolly, Manley, Falkenburg, Martin, Barron, Wyatt, Lewis, White, Boles, Armstrong, Andrews, Kinsey, Albright, Naramore and Goodwin:

H. 449. To amend Section 1 and Section 2 of Act No. 1154, H. B. 675, Regular Session 1971, (Acts 1971, p. 1999, now appearing in Code of Alabama, Recompiled 1958, Title 36, Section 159 and Section 160), which act relates to abandoned motor vehicles on the public streets, roads, highways and other public property, so as to further regulate the removal of said motor vehicles.

Highway Safety.

By Messrs. Starkey, Killian and Lutz (With Notice and Proof):

H. 450. Relating to Jackson County, providing for a salary for the chairman of the county governing body and providing for a monthly expense allowance for the chairman and members of said county governing body.

Local Legislation No. 1.

Notice and Proof H. 450:

STATE OF ALABAMA
COUNTY OF JACKSON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Jackson County, providing for a salary for the chairman of the county governing body and providing for a monthly expense allowance for the chairman and members of said county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. The chairman of the governing body of Jackson County shall receive, upon the expiration of the present term of office, a monthly salary of \$1,250.00, and a monthly expense allowance of \$200.00, which shall be payable in equal monthly installments from the general funds of said county. The members of the county governing body, except the chairman, shall each receive, upon the expiration of the present terms of office, a monthly expense allowance of \$400.00 plus 12¢ per mile travel expenses and twelve dollars (\$12) for each day's service, not to exceed forty-eight dollars (\$48) per month, said expense allowance to be paid in equal monthly installments from the general funds of said county.

The salary provision and expense allowances hereinabove provided for the chairman and members of the county governing body shall be in lieu of any conflicting salary or expense allowances now payable to such persons.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF JACKSON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karen Haggard, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was bookkeeper of the Jackson County Advertiser, a newspaper of general circulation published in Jackson County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 4-3, 4-10, 4-17, and 4-24, all in the year 1975.

KAREN HAGGARD.

Sworn to and subscribed before me 29th April, 1975.

JERRY J. GENTLE,
Notary Public.

My Commission Expires 10/18/78.

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By Messrs. Barron, Harris, Wyatt, Smith (J) and Folmar:

H. 451. To amend Section 584 of Title 7, Code of Alabama 1940, relating to the registration of judgments and decrees, so as to require the address of each defendant or respondent as shown in the court proceedings to appear on the certificate of registration.

Judiciary.

By Messrs. Riddick and Burgess:

H. 452. Relating to the introduction of evidence in prosecutions for rape and other offenses; to provide a procedure for a determination of sufficiency of evidence by the judge before its submission to the jury; and to repeal conflicting laws.

Judiciary.

By Mr. Morris:

H. 453. To amend Section 808, Title 51, 1940 Code of Alabama as last amended so as to redistribute the balance of the tax collected under and pursuant to Section 788, Title 51, Code of Alabama 1940.

Ways and Means.

By Mr. Johnson:

H. 454. To amend Act No. 253, Special Session 1966 which exempts from civil liability certain persons who render emergency care at the scene of an accident, casualty or disaster.

Judiciary.

By Mr. Morris:

H. 455. To amend Section 32 of Act No. 100, H. 94, Second Special Session 1959, (Acts of Alabama 1959, Vol. 1, page 298, pp. 314-315) as amended so as to redistribute the amount of the proceeds of all taxes levied by the Act remaining after the payment of the expenses of administration and enforcement and the replacement in the several funds of the amount lost by any homestead exemptions and the distribution to the counties as therein provided.

Ways and Means.

By Mr. Morris:

H. 456. To make supplemental appropriations from the State General Fund to the State Health Department, Mental Health Department, Board of Corrections, Highway Department and to the State Docks for the fiscal years ending September 30, 1976 and September 30, 1977.

Ways and Means.

By Messrs. Morris, Biddle, Gafford, Merrill, Coburn and Owens:

H. 457. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Ways and Means.

By Messrs. Morris, Biddle, Gafford, Mitchem and Kelley:

H. 458. To amend Section 2 of Act No. 379, H. 4, Regular Session 1947, (Acts 1947, p. 271-272 now appearing in Code of Alabama, Re-compiled 1958, Title 36, Section 2), relating to the operation of a motor vehicle under the influence of alcoholic beverages or narcotic drugs so as to remove the word "habitual" from this section as it refers to users

of narcotic drugs; to amend said section so as to broaden the scope of the term "narcotic drugs" and describe the condition of the person affected from the use thereof.

Judiciary.

By Messrs. Morris, Biddle, Gafford, Merrill, Coburn, Owens and Mitchem:

H. 459. To regulate further rewards offered for the arrest and conviction of certain offenders; to repeal Title 15, Section 44, Code of Alabama 1940, which relates to rewards for information relative to capital offenders and to amend Title 15, Section 45, Code of Alabama relative to rewards for information regarding persons committing other felonies.

Ways and Means.

By Messrs. Mitchem, Sandusky, Sasser, Lutz, Kelley, Killian, Smith (B), Gregg, Hill, Greer, Andrews and Waggoner:

H. 460. To permit schools and non-profit institutions to purchase milk and other products distributed by dairy producers in accordance with provisions of the Alabama Bid Law (Act No. 217 of the Special Session 1967); to stipulate that milk and other products distributed by dairy producers sold to these agencies must be provided by Alabama producers, if available.

State Administration.

By Mrs. Quarles:

H. 461. Relating to motor vehicles; establishing the crime of drag racing; providing penalties for any violation and conviction of same and providing for the distribution of fines collected from violators of said crime.

Highway Safety.

By Mrs. Quarles:

H. 462. To provide an expense allowance for each member of the county commission of all counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census, which shall supercede any provision heretofore made for expense allowances of such commissions; and providing that the provisions of this Act shall have a retroactive effect.

Local Legislation No. 1.

By Messrs. Smith (B) and Riddick:

H. 463. To amend Sections 10 and 15 of Act No. 784, H. 316, Regular Session 1953 (Acts 1953, p. 1069) regulating the use of commercial fishing gear in the public fresh waters of this state so as to increase the penalties for the violation of this act.

Conservation.

By Messrs. Smith (B) and Riddick:

H. 464. To provide penalties for any sport fisherman exceeding any creel limits or possession limits on game fish.

Conservation.

By Messrs. Biddle, Morris, Gafford, Sandusky, Crowe, Manley, Owens, Armstrong and White:

H. 465. To define the crime of looting and provide penalties for the commission thereof.

Judiciary.

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By Messrs. Biddle, Gafford Sandusky, Crowe, Manley, Owens, Armstrong and White:

H. 466. To prohibit the operator of any motor vehicle from fleeing or attempting to elude a peace officer and to prescribe penalties for violation of this act.

Judiciary.

By Messrs. Biddle, Morris, Gafford, Sandusky, Crowe, Manley, Owens, Armstrong and White:

H. 467. To prohibit the false impersonation of a law enforcement officer and to prescribe punishment for same.

Judiciary.

By Mr. Biddle:

H. 468. To make unlawful the use of an artificial light to spot or locate wildlife while having in possession any device with which wildlife could be killed except as provided by regulations of the Commissioner of the Department of Conservation and Natural Resources; to provide the penalty.

Conservation.

By Mr. Biddle:

H. 469. To amend Section 87 of Title 8, Code of Alabama 1940, as amended, pertaining to the penalty for hunting during closed seasons.

Conservation.

By Mr. Biddle:

H. 470. To amend Section 106 of Title 8, Code of Alabama 1940 as amended, pertaining to the penalty for killing domestic animals while hunting.

Conservation.

By Mr. Biddle:

H. 471. To amend Title 8, Section 86, Code of Alabama 1940, as amended, so as to make it unlawful to hunt or attempt to hunt at night birds and animals protected by the laws and regulations of this State except as provided by, and in accordance with, regulations duly promulgated by the Commissioner of the Department of Conservation and Natural Resources; to provide the penalty.

Conservation.

By Mr. Biddle:

H. 472. To amend Act No. 2309. Acts of Alabama, 1971 Regular Session, p. 3731, pertaining to hunting deer from public waters in this state, or at night, so as to provide for the confiscation and forfeiture of all equipment used in committing said offenses.

Conservation.

By Mr. Biddle:

H. 473. To amend Title 8, Section 93 (3), Code of Alabama 1940, as amended, so as to remove the prohibition against using salt licks for the purpose of capturing or killing birds or animals in the State of Alabama; to legalize the use of scaffolds for the killing of deer.

Conservation.

By Mr. Biddle:

H. 474. To designate the Spotted Bass as the official fresh water fish of Alabama.

State Administration.

By Mr. Biddle:

H. 475. To provide that in any county in this state, the official authorized to issue automobile license plates shall issue license plates without state ownership identification at no charge to the Governor, to any state official, or to any state investigator for use on a state-owned vehicle when requested to do so as a safety measure by the Director of Public Safety.

State Administration.

By Messrs. Pegues, Reed, Manley, Campbell, Plaster, Crowe, Kinsey, Johnstone, Falkenburg, Howard, Hines, Jackson (F), Hopping, Naramore, Carter, Baker, Holley, Andrews, Cooper, Harrison, Owens, McCluskey, Quarles, Killian, Drake, Cross, Martin, Shelton, Moore (W), Rich, Carothers, Moore (O), Weeks, Greer, McNair, Folmar, Hilliard, Smith (C), Mitchem, LeFlore, Smith (J), Edwards, Smith (B), Lewis, Turnham, Callahan, Glass, Biddle, White, Gafford, McMillan, Riddick, Dial, Cates, Harris, Sparks, Crawford, Lockett, Whately, Sandusky, Taylor, Hill, Clark, Morris, Teague and Kelley:

H. 476. To make appropriations for support and maintenance of the Marion Institute, located in Perry County.

Ways and Means.

By Mr. Pegues:

H. 477. To amend Section 1 of Act 2228, Regular Session of the Alabama Legislature, Volume 5, page 3585, Acts of Alabama 1971, which act provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

Local Government.

By Messrs. Pegues, Campbell, Lockett and Edwards:

H. 478. To require permits for organized field trials to be issued by the Commissioner of Conservation and Natural Resources; to provide that persons may participate in organized field trials without a hunting license provided no guns are used or any game animal or bird taken or killed in the process of such field trials; except weapons with blank ammunition may be used in field trials for bird dogs; and to provide a penalty.

State Administration.

By Messrs. Kinsey and McMillan:

H. 479. To provide that it shall be a criminal offense for anyone to obstruct justice by hindering or interfering with a law enforcement officer while he is performing his lawful duties; to provide for penalty; and to provide effective date.

Judiciary.

By Messrs. Hill, Manley, Jackson (R), Johnstone, Lutz, Lockett, Coburn, Greer, Sonnier, Armstrong, Clark, Teague, Lee, Holmes, Kennedy, Rich, Harris, McNair, Smith (J), Campbell, Hall, Kinsey, Harrison,

LeFlore, Drake, Cooper, Sparks, Gregg, Crawford, Kelley, Falkenburg, Hilliard, Porter, Andrews, Turnham, Dial, Johnson, Goodwin, Robertson, Mitchem, Hopping, Howard, Jolly, Moore (W), McNees, Waggoner, Sandusky, Taylor, Holley, Quarles, Shelton, Reed, Hines, Whatley, Morris, Malone, McCluskey, Plaster, Smith (B), Carter, McCulley, Lewis, Carothers, Sasser, McMillan, Glass, Williams, Cates, Ford, Folmar and Riddick:

H. 480. To implement the new Judicial Article of the Alabama Constitution (Amendment No. 328 approved December 18, 1973); by establishing a unified judicial system for the state; by establishing a new state court of limited jurisdiction to be known as the District Court of Alabama, having uniform jurisdiction, procedures and costs; by authorizing the establishment of municipal courts having uniform jurisdiction, procedures and costs; by providing that the state bear the cost of personnel and operation of the circuit and district courts; by making appropriations for the payment of salaries, pensions and other costs of the unified judicial system, except the courts of probate and municipal courts; by amending various sections of the Alabama Code of 1940 and subsequent statutes as required to make effective the unified judicial system. The contents of this Act are organized as follows:

The judicial authority of the state is vested in a unified system; amending section 1 of title 13 of the Code of Alabama, 1940, to reflect constitutional provisions.

The jurisdiction of the circuit court and powers of presiding circuit judges are described with amendments to the Code of Alabama reflecting the new court structure; presiding circuit judge has supervision of personnel of circuit and district courts; circuit court has jurisdiction of appeals from municipal and district courts; and jurisdiction of involuntary commitment cases, if transferred from probate court.

Repeals sections 157, 158, 159, 179, 180 and 181 of title 13 of the Code of Alabama, 1940; repeals Act No. 530, approved August 21, 1969; amends sections 115, 123 and 172 of the Code of Alabama, 1940.

Provision is made for probate judges' election to come under the judicial retirement act; amount of benefits specified.

The district court established; effective January 16, 1977; civil and criminal jurisdiction; number of judges and places of holding court; election, compensation and retirement of district court judges; uniform traffic ticket procedure; preliminary hearing jurisdiction; use of magistrates; district attorney responsible for prosecution; provision for a district court in every county, designating places in counties where court must be held; transfer of cases from present county and other courts; jurisdiction of civil cases up to five thousand dollars (\$5,000.00); special docket for small claims up to five hundred dollars (\$500.00); jurisdiction of juvenile cases; exclusive criminal jurisdiction in misdemeanor cases except those in municipal courts; authority to receive guilty pleas in all felonies not involving death penalty.

Repeals sections 313, 314, 315-341, 345, 346, 349 and 384-406 of title 13 of the Code of Alabama, 1940; repeals Act No. 764, approved September 17, 1953; and Act No. 535, approved January 1, 1954.

Jurisdiction of juvenile cases placed in district court; civil, criminal and delinquency procedures and rules regarding juveniles established; age of juveniles revised to eighteen on January 16, 1977; appointment of referees; probation services; advisory boards; scope of jurisdiction; delinquency, custody, commitment, child abuse, offenses against children, paternity, desertion and non-support; investigations and complaints;

court custody, detention and shelter care; transfer to criminal court; right to counsel; disposition of dependent and delinquent children; guardians ad litem; confidentiality of records; adult offenses; and appeals.

Repeals sections 350-383 of title 13 of the Code of Alabama, 1940.

Providing for security and protection of judicial facilities; advisory and standing committees; temporary judicial personnel; court facilities; appellate court personnel benefits and expenses; publishing and construction of rules; coordination and use of appropriations; voluntary diminution of compensation; use of special judges; provisions for senior associate justices to perform duties of chief justice when chief justice unable to act; supernumerary justices or judges and their dependents' rights and benefits; additional permanent duties for designated judges; procedure when bill introduced to increase or decrease number of judges or change boundaries of circuit or district; and local legislation affecting the judiciary.

Provision for phased assumption by the state of employment and compensation of personnel of district and circuit courts, beginning October 1, 1977; protection of local retirement rights of county employees transferred to state; compensation of circuit clerks; employee benefits for transferred personnel; positions of confidential secretaries and bailiffs for judges; court reporters and referees; office of register abolished when present positions become vacant; compensation of registers; court reporters compensation; and supernumerary clerks and registers.

Establishment of municipal courts with uniform jurisdiction, procedures and costs; procedures for abolition of municipal courts by municipalities, transfer of jurisdiction to district court, and apportionment of fines; procedures for re-establishment of municipal courts; appointment and qualification of municipal judges; compensation fixed by municipality; authority of judges; bail on personal recognizance, fines, jail, suspended sentence, probation; appeals to circuit court; arrest and search warrants; and use of magistrates.

Repeals sections 582-600 of title 37 of the Code of Alabama, 1940; repeals Act No. 403, approved August 16, 1965; Act No. 665, approved September 6, 1961; and Act No. 1108, approved September 12, 1969.

Declaration of state policy that state provide counsel for defense of indigents in all criminal cases in which defendants are entitled to counsel under the state or federal constitution; provides that the presiding circuit judge administer the indigent defense system; allows local option regarding type defense services provided; establishes an advisory indigent defense commission in each circuit; authorizes establishment of a public defender system in any circuit, paid by the state; and provides for compensation of appointed counsel by the state.

Repeals a portion of section 2 of Act No. 2421, approved October 1, 1971; and amends section 1 of Act No. 2420, approved October 1, 1971.

Probation services conformed to unified court system; provides maximum probation period of five years for felonies and two years for misdemeanors, and for termination of probation.

Amends sections 19, 23 and 24 of title 42 of the Code of Alabama, 1940.

Defines the duties and authority of administrative director of courts as assistant to chief justice as administrative head of judicial system; provides for personnel policies; provides for the attendance by

judges and personnel of judicial system at educational conferences and meetings; provides for study and supervision of programs relating to the administration of justice, and coordination and use of judicial funds from appropriations and grants by the director.

Provides for authority to administer oaths and require testimony and production of records by judicial compensation commission established by the Constitution; and provides for payment of expenses of the commission.

Provides per diem compensation for members of judicial inquiry commission who are not judges in amount of one-half of one percent of annual salary paid by the state to circuit judges.

Provides for expenses of the court of the judiciary and reporter.

Provides for representation of district, municipal, and probate judges on judicial conference; amending Act No. 118, approved January 12, 1972.

Provides for assumption by the state of expenses of district and circuit courts, phased over two budget periods; provides that counties continue to be responsible for construction, maintenance and operation of courtrooms and facilities, and for transfer of title to equipment and furniture to the state; establishes uniform fees and court costs in circuit and district courts; provides for distribution of fees, costs, and fines between state and municipality.

Repeals sections 1, 10, 11, 13, 18-26, 34, 38, 40-43, 55, 59-63, 65, 67, 72-76, 81-83, 85, 86, 89-91, 96, 97, 100-102 and 112 of title 11 and section 392 of title 15 of the Code of Alabama, 1940; repeals Act No. 742, approved September 23, 1957; Act No. 58, approved June 1, 1945; section 1 of Act No. 741, approved September 23, 1957; sections 1 and 2 of Act No. 570, approved September 16, 1963; Act No. 311, approved July 28, 1949; section 2 of Act No. 575, approved July 7, 1943; Act No. 573, approved July 7, 1943; Act No. 413, approved July 7, 1945; Act No. 483, approved July 7, 1945; and Act No. 177, approved July 21, 1947; amends sections 2-4, 6-8, 35-37, 39, 56, 57, 64, 92-95, 98, 104-108, 110 and 113 of title 11 of the Code of Alabama, 1940; and amends section 2 of Act No. 625, approved September 4, 1951; and a portion of section 2 of Act No. 2421, approved October 1, 1971.

Provides for state appropriations for Act.

Provides for severability of provisions of Act in proper case; repealer of existing laws inconsistent with Act; and establishes effective date of Act where individual articles or sections do not establish such.

Judiciary.

By Mr. Kelley:

H. 481. To make an appropriation to Arab City Board of Education for the constructing and equipping of a high school at Arab, Alabama.

Ways and Means.

By Messrs. Lee, Venable, Howard, Hopping, Hall, Hilliard, Leonard, Harrison, Cooper, Smith (B), Johnson, LeFlore, Hill, Baker, Wyatt and McNair:

H. 482. To provide for open public meetings of public bodies, and for publication of notice of meetings, and for access for members of the public to minutes of meetings, and to provide for punishment and civil remedies for violation.

State Administration.

By Mr. Waggoner:

H. 483. To require all state, county and municipal law enforcement officers, of this state when making an arrest for a traffic law violation to use a standard traffic citation form; such form shall be the form prescribed by the Director of the Department of Public Safety or any form which the Director of Public Safety thereafter adopts.

State Administration.

By Mr. Waggoner:

H. 484. To amend Title 8, Section 39, Code of Alabama 1940, as amended, pertaining to annual non-resident fishing licenses, so as to require said license if a non-resident desires to fish in any fresh water, whether public or private, in this state; to amend Title 8, Section 40, Code of Alabama 1940, as amended, pertaining to non-resident trip fishing licenses, so as to require a non-resident to have said license in order to fish in any fresh water, whether public or private, in this State; and to amend Title 8, Section 41, Code of Alabama 1940, as amended, pertaining to the penalty for fishing without a license, so as to make it unlawful to fish in any water in this state without the appropriate license.

Conservation.

By Mr. Waggoner:

H. 485. To prohibit the use, or possession, with the intent to use, of another person's driver's license and the impersonation of another person to procure a driver's license and to prescribe penalties therefor.

Judiciary.

By Mr. Waggoner:

H. 486. To require every trailer when being towed by a motor vehicle to have a safety chain attaching the trailer to the motor vehicle in addition to the regular trailer hitch and to prescribe penalties for violation of this act.

Highway Safety.

By Messrs. Campbell and Manley (With Notice and Proof):

H. 487. To amend Sections 2, and 6 of Act No. 1703, H. 2502 of the 1971 Regular Session (Acts 1971, p. 2862), entitled, "An act to establish a Sumter County court of record for Sumter County Alabama, to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure for said court; to provide a fine and forfeiture fund for said court; and to abolish the county court of Sumter County, Alabama," so as to provide an expense allowance for the judge of said court, and to increase the jurisdictional amount of said court.

Local Legislation No. 1.

Notice and Proof H. 487:

STATE OF ALABAMA
COUNTY OF SUMTER

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 2, and 6 of Act No. 1703, H. 2502 of the 1971 Regular Session (Acts 1971, p. 2862), entitled "An act to establish a Sumter County court of record for Sumter County, Alabama, to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure for said court; to provide a fine and forfeiture fund for said court; and to abolish the county court of Sumter County, Alabama," so as to provide an expense allowance for the judge of said court, and to increase the jurisdictional amount of said court.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2, and 6 of Act No. 1703, H. 2502 of the 1971 Regular Session, (Acts 1971, p. 2862) are hereby amended to read as follows:

"Section 2. The said Sumter County Court of Record shall be held at the courthouse of Sumter County or in some other place in Livingston, the county seat of said county, such place to be designated by the Sumter County Commission. The court shall be open at all times for the trial of cases and transaction of business. The court shall have original civil jurisdiction in all civil matters of which the circuit court of Sumter County does not have jurisdiction. In addition thereto the court shall have jurisdiction, concurrently with the circuit court of Sumter County of all matters, suits, and actions at law, which are in an amount not more than \$5,000.00 and when the value of the property sued for in a suit of detinue is not over \$5,000.00; provided, however, that this court shall not have and exercise civil jurisdiction of actions of libel, slander, ejectment or actions in the nature of ejectment. The court shall have original jurisdiction, concurrent with the circuit court of Sumter County of all misdemeanors committed in Sumter County; and it shall have preliminary jurisdiction of all felonies. In addition the court is hereby granted all the powers, privileges and duties previously granted to, had and enjoyed by the county court of Sumter County, which court is hereby abolished.

"Section 6. The judge of this court shall receive a salary of not less than four thousand two hundred dollars (\$4,200.00) and not more than six thousand dollars (\$6,000.00) per annum, the exact amount to be determined by the Sumter County Commission. Such salary shall be payable in equal monthly installments out of the general fund in the treasury of Sumter County upon the warrant of the chairman of the county governing body, and such chairman is hereby authorized and directed to issue such warrants monthly. Such warrants shall be preferred claims against the general fund.

"In addition to the above salary the judge shall also receive an expense allowance of \$250.00 per month. This expense allowance shall be paid in the same manner as provided for the payment of the judge's salary."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF SUMTER

Before me, the undersigned authority in and for said County in said State, this day personally appeared John S. Neel, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Home-Record, a newspaper of general circulation published in Sumter County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 23, April 30, May 7, and May 14, all in the year 1975.

JOHN S. NEEL.

Sworn to and subscribed before me May 16, 1975.

SANDRA L. BONDS,
Notary Public.

By Messrs. Teague, McCluskey, Dial, Crowe, Moore (O), Gafford, Pegues, Quarles, Edwards, Morris, McNair, Shelton, Malone, Cooper, Hill, Naramore, Harrison, Carter, Roberts, Cross, Plaster, Smith (C), Jackson (F), Porter, Reed, Mitchem, Merrill, Sparks, LeFlore, Goodwin, Robertson, Andrews, Howard and Hopping:

H. 488. To make appropriations for the support and maintenance of Talladega College.

Ways and Means.

By Mr. Merrill:

H. 489. To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1976 and September 30, 1977.

Ways and Means.

By Mr. Merrill:

H. 490. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

Ways and Means.

By Mr. Merrill:

H. 491. To amend section 377 of Title 51, Code of Alabama 1940, which relates to the rate of tax for income tax purposes so as to provide separate rate schedules for single persons or married persons filing separately and for married persons filing jointly; to amend further section 385 (4) of Title 51, Code of Alabama 1940, to increase the optional standard deduction to 15 percent of adjusted gross income or \$1,500.00, whichever is lesser, for single persons, including head of family, or married persons filing separate returns, and 15 percent of adjusted gross income of \$3,000.00, whichever is lesser, for married persons filing joint returns; to amend further section 388 of Title 51, Code of Alabama 1940, to provide that if married persons elect to file separate returns each must claim a personal exemption of \$1,500.00; to amend further section 424(2) of Title 51, Code of Alabama 1940, to conform the withholding of tax from the wages of an employee by

an employer to the rate schedules proposed in section 377 and the optional standard deduction proposed in section 385(4).

Ways and Means.

By Messrs. Merrill, Coburn, Owens, Manley, Gafford, Morris, Crowe and Sandusky:

H. 492. To create the Special Educational Trust Fund reserve account, to provide for its funding and for its use.

Ways and Means.

By Messrs. Merrill, Crowe, Coburn, Owens, Manley and Sandusky:

H. 493. To make appropriations for the operation and maintenance of the State Highway Department, for payment of the principal of and interest on bonds heretofore or hereafter issued for public highway and bridge purposes by the State, Alabama Highway Authority or Alabama Highway Finance Corporation, for salaries, other expenses, equipment purchases, automotive equipment purchases, and for the construction and maintenance of public highways and bridges in the State, which are a part of the State Highway System; and to make conditional allocations to Cities and Counties for construction, reconstruction, and improvement of public roads and bridges.

Ways and Means.

By Messrs. Merrill, Coburn, Owens, Manley, Gafford, Morris, Crowe and Sandusky:

H. 494. To make appropriations for Mental Health purposes and for the payment of principal and interest on Mental Health Bonds issued by the University of Alabama pursuant to Constitutional Amendment No. CXLI.

Ways and Means.

By Mr. Merrill:

H. 495. To amend Section 63 of Title 13 of the Code of Alabama of 1940, so as to fix the compensation and duties of the stenographer for the Reporter of Decisions.

Ways and Means.

By Messrs. Sandusky and Sonnier:

H. 496. To amend Section 5 of the Act No. 1274, Acts of Alabama, 1973 Regular Session so as to increase the membership of the Alabama Coastal Area Board from eight to thirteen members, prescribing their qualifications, method of appointment and terms of membership; to designate the chairman and vice chairman of the Coastal Area Board; and to add the Department of Conservation and Natural Resources as one of the State agencies which shall act in an advisory capacity to the Board.

Conservation.

By Messrs. Sandusky, Biddle, Sonnier and McMillan:

H. 497. To amend further Section 1 of Act No. 43, S. 34, Second Special Session 1956 (Acts 1956, p. 336 now appearing in Code of Alabama, Recompiled 1958, Title 14, Section 175), as amended, so as to prohibit a person from having a pistol on his person without a proper permit.

State Administration.

By Messrs. Sandusky, Crowe, Biddle and Sonnier:

H. 498. Relating to State Government administration; abolishing the Fort Morgan Historical Commission and transferring to the Department of Conservation and Natural Resources, Division of State Parks all the powers and duties of said Commission and further transferring all assets, materials, supplies and employees to the said Division of State Parks; to provide for the expenditure of funds for the operation and maintenance of said facility. To abolish the offices of Secretary and Historian and Assistant Secretary, Fort Morgan Historical Commission; to specifically repeal all portions of Act Number 204, Acts of Alabama 1955, p. 497, as amended, which conflict with the provisions of this Act.

Conservation.

By Messrs. Owens and Biddle:

H. 499. To authorize the Department of Public Safety to provide insurance coverage for reserve or auxiliary state troopers to the same extent as that provided for regular state troopers; to provide that costs of such insurance shall be paid by the Department of Public Safety in the manner provided by law; and to provide an effective date.

Ways and Means.

By Messrs. Robertson, Carothers, Greer, Crowe, Sasser, Owens, Coburn, Hill, Rich, Roberts, Taylor, Weeks, Mitchem, Morris, Brindley, Killian, Starkey, McNees, Cates, Goodwin, McCluskey, Waggoner, Smith (C), Drake, Barron, Hall, Sparks, LeFlore, Gafford, Venable, Hopping, Howard, Turnham, Johnstone, Harris, Johnson, Hines, Warren, Baker, Wyatt, Jackson (F), Edwards, Lee and Clark:

H. 500. To provide salary increases for certain state employees; and to appropriate funds therefor.

Ways and Means.

By Messrs. Owens and Biddle:

H. 501. To amend further Section 34 of Title 36, Code of Alabama 1940, as last amended, which provides for certain standards for tires used upon motor vehicles moving over the public roads, highways, and bridges, and for the prescription of tire standards to include the establishment of certain minimum tire tread depths.

Highway Safety.

By Messrs. Cooper, Johnstone, Sonnier, Harris, Jackson (F), Lockett, Baker, Holmes, Smith (C) and Hill:

H. 502. This Act shall be known and may be cited as the "Alabama Marine Mammal Protection Act of 1975."

Conservation.

By Messrs. Malone, Drake, Robertson, Wyatt, Owens, Plaster, Andrews, Boles, Johnson, Hopping, Crowe, Smith (C), Naramore, Sparks, Teague and Coburn:

H. 503. To provide for the payment of the medical and hospital expenses of certain public employees resulting from injuries received in the line and scope of their duties and for the payment of their usual salaries or other compensation during the time they are disabled because of such injuries, and to authorize and direct the employing governmental agencies to pay or provide for the payment of such expenses and salaries.

Local Government.

By Mr. Sonnier:

H. 504. To require that universities and public institutions of higher learning, financed by public funds, maintain deposits in equal amounts with approximately equal average balances in all fully licensed state or national banks, located within the municipality where such university or public institution is located.

Banking.

By Messrs. Gafford, Waggoner, Biddle, Armstrong, Jolly, Moore (O), Trammell, McNair, Boles, Hall, Howard, White, Andrews, Leonard, Hopping, Hilliard, Harrison, and Falkenburg:

H. 505. To prohibit the establishment of private schools within 150 feet of the boundaries of lots upon which single family residences are located in all cities having populations of 300,000 or more according to the most recent federal decennial census, unless all such property owners consent.

Local Legislation No. 2.

By Messrs. Gafford, Moore (O), Waggoner, Armstrong, Andrews, Trammell, White, Falkenburg, Jolly, Hilliard, Leonard, Howard, Hopping, Hall, Boles and Biddle (With Notice and Proof):

H. 506. To amend Sections 279, 280, 282, 283, 284, 285, 288 and 289 of Title 62 of the 1940 Code of Alabama, which sections regulate the licensing, teaching and practice of cosmetology in Jefferson County.

Local Legislation No. 2.

Notice and Proof H. 506:

NOTICE

Notice is hereby given of intention to apply at the next regular session of the Legislature of the State of Alabama, for introduction and passage of a bill the substance of which, as distinguished from details, is and will be the substance, as distinguished from details, the following:

A BILL TO BE ENTITLED AN ACT

To amend Sections 279, 280, 282, 283, 284, 285, 288 and 289 of Title 61 of the 1940 Code of Alabama, which sections regulate the licensing, teaching and practice of cosmetology in Jefferson County.

Be It Enacted by the Legislature of Alabama:

I. That Section 279 of Title 62 of the 1940 Code of Alabama be amended to read as follows: Section 279. Unlawful to practice without license.—It shall be unlawful for any person, firm or corporation in Jefferson County, for pay or remuneration of any kind whatever, to engage in, or to follow or attempt to engage in, or to hire himself or herself out as engaging in or following the practice of cosmetology, either as practitioner or apprentice thereof, or to act as a demonstrator, or to teach the occupation of cosmetology, or to conduct a cosmetological school by whatever name or designation, without obtaining a license from the board of cosmetological examiners. Any shop where cosmetology is practiced, or school where such is taught, shall at all times be under the direct supervision of a licensed cosmetologist.

II. That Section 280 of Title 62 of the 1940 Code of Alabama be amended to read as follows: Section 280. Definitions.—Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases for the purposes of this subdivision shall be given the following meanings: A. Practicing Cosmetology.—Any person who engages in the practice, for compensation or other reward, in any one or any combination of the following practices: Arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, setting, styling or similar work, upon the hair of any person, by any means, and/or with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or otherwise, massaging, cleansing, stimulating, manipulating, exercising, beautifying, or similar work, the scalp, face, neck, arms, hands, bust, or upper part of the body, or manicuring the nails of any person for the purpose of beautification shall be defined as and construed to be practicing cosmetology. B. Operator.—An operator is any person who has secured a license to engage in and engages in the practice defined in subsection A of this section. C. Instructor.—Any person who is employed by a beauty school or school of beauty culture who instructs in the practice of cosmetology either as to theory or practical demonstrations. D. School of Cosmetology.—A school of hair dressing and beauty culture is a place where any person, firm or corporation operates and maintains a class to teach cosmetology as defined herein. E. Manicurist.—A manicurist is any person who engages only in the practice of manicuring the nails of any person. F. Demonstrator.—A demonstrator shall mean any person who is not licensed in this state as a cosmetologist or instructor and who demonstrates for purposes of selling or advertising any cosmetic preparation by applying the same with his or her hands upon the hair or body of another person, and shall be required to obtain a license from the board before making such demonstration. The requirements for the issuance of a demonstrator's license are a health card, two photographs, a notarized application and fee of \$10.00.

III. That Section 281 of Title 62 of the 1940 Code of Alabama be amended to read as follows: Section 281. Exceptions.—Any place or premises or part thereof wherein cosmetology or any of its practices are followed or taught as set out in the preceding section, or any person therein or thereabouts who shall practice cosmetology as defined in said section, whether such place is known or designated as beauty shop, establishments, or school, shall be subject to the provisions of this subdivision. Provided, however, that nothing in this subdivision shall prevent persons engaged in the practice of medicine, surgery, barbering, or as a barber apprentice in a barber shop or barber college or personnel of the United States army, navy, or marine corps or registered nurses from doing any of the acts or work defined as cosmetology. Provided, however, the provisions of this section shall not apply to persons acting as and licensed as a barber defined in Title 62, Section 254 of the 1940 Code of Alabama, Code of Alabama, Appendix Section 834. It shall be unlawful to practice cosmetology in any room or shop used wholly or in part for living or sleeping quarters, but nothing shall prevent any licensed beauty shop from sending a licensed operator to serve a patron who shall desire such service performed in patron's own home. This subdivision shall not apply to the teaching or practice of cosmetology in training public school children or pupils in the public schools in the county.

IV. That Section 282 of Title 62 of the 1940 Code of Alabama be amended to read as follows: Section 282. Definition and qualifications of apprentice or student.—Any person who is presently engaged in learning or acquiring knowledge of any or all practices of cosmetology in a regularly licensed school of cosmetology under the immediate

supervision of a licensed instructor of cosmetology, but who has not completed a course of six months shall be known as an apprentice or student of cosmetology and shall be so registered with said board of cosmetological examiners until he or she shall have served the required six months as such, and at the expiration of such period of six months, application may be made for examination for a licensed cosmetologist, provided all of the requirements for licensing as a cosmetologist as hereinafter provided are met. An enrollment fee of Five Dollars (\$5.00) shall be payable to the cosmetology board upon registration as a student. Upon application to the board in due form, accompanied by the required license fee, a person registered as a cosmetologist of any branch of cosmetology under the laws of any state or territory of the United States, or the District of Columbia, shall without examination (unless the board, in its discretion, sees fit to require examination) be granted a license to practice the occupation or occupations in which such person was so registered upon the following conditions: The applicant must not be less than sixteen years of age, of good moral character, and the requirements for registration or license of cosmetologist, and those engaged in the practice of any branch of cosmetology, in the particular state, territory, or District of Columbia, were at the date of such previous registration or licensing, substantially equal to the requirements then in force in this state.

V. That Section 283 of Title 62 of the 1940 Code of Alabama be amended to read as follows: Section 283. Qualifications for admission to practice cosmetology; examinations.—1. Qualifications.—The board shall determine the qualifications of each applicant for examination on the following basis: A. Such proof as the board, by rule, may require of good moral character. B. Such proof as the board, by rule, may require that the applicant is free from contagious or infectious diseases. C. The applicant shall provide the board with a certificate from a licensed school of beauty culture approved by the board as herein referred to and described, showing that the applicant has satisfactorily completed all the courses of instruction provided by this approved school, which certificates shall be signed and verified by the individual owner or owners of the approved school, if owner be an individual or partnership, or the proper and lawful officer, if a corporation; in any case, before an applicant shall be eligible to receive such a certificate, the applicant shall have received in accordance with the curricular established by the board 1200 hours of instruction in theory and practice in classes actually attended by the applicant, except for manicuring only in which case 250 hours of instruction shall be deemed sufficient, provided, however, any change in the number of hours of study in a school of cosmetology for licensing as a cosmetologist as currently provided for in Title 46, §64(46) 1940 Code of Alabama shall apply to this section with respect to the number of hours of instruction. D. Payment of any examination fee of \$10.00, except for manicuring only in which cases the examination fee shall be \$5.00. 2. Examinations.—Upon the determination by the board of the sufficiency of the qualifications of the applicants for examination as an operator, the board shall conduct theoretical examinations and practical examinations, in accordance with the rules promulgated and prescribed by the board. 3. Requisites of Examination—Such examination shall include both practical demonstration and written or oral tests, which shall include business management and shall not be confined to any specific system or method of hair dressing or beauty culture, and such examination shall be consistent with the practical and theoretical requirements as provided by this subdivision. If a student shall fail to pass this examination, he or she shall be required to take further training before being permitted another examination, such further training time shall be specified by the board, but shall not exceed 200 hours; upon com-

pliance with all provisions herein referring to schools, together with compliance with the rules and regulations lawfully prescribed hereunder; provided, however, that the provisions of this section shall apply only to those persons enrolling in an approved school of cosmetology after the effective date of this section.

VI. That Section 284 of Title 62 of the 1940 Code of Alabama be amended to read as follows: Section 284. Licenses for shops or schools. —Any person, firm or corporation may apply to the board of cosmetological examiners in Jefferson County for a license to operate a beauty shop, school of cosmetology, or beauty school within the meaning of this subdivision, by making written application to such board of cosmetological examiners. The board, if convinced that said applicant has met all of the requirements of this act and the rules and regulations promulgated thereunder, shall issue said beauty shop or school of cosmetology the license to operate under this subdivision upon receipt of the payment of a fee as follows: for a beauty shop, \$35.00; for a school of cosmetology, \$300.00; provided, however, that no person, firm or corporation shall operate a combination beauty shop and beauty school and no beauty shop shall teach or train a student or an apprentice preparatory to examination as a cosmetologist, and no beauty shop shall at any time train or teach a student for hire or reward. No beauty shop or school shall employ an operator or instructor unless they shall have first qualified with the board and secured a license.

VII. That Section 295 of Title 62 of the 1940 Code of Alabama be amended to read as follows: Section 285. Requirements of a school teaching cosmetology.—A. Any person, firm or corporation desiring to establish a hairdressing and beauty culture school shall apply to the board for a certificate of approval for such school, and have such school rated by the board as an approved school in hairdressing and beauty culture, and placed upon its list of such approved schools, upon compliance with the following provisions: Each applicant, whether individual, firm or corporation, shall, prior to the opening of said school, present to such board a verified application containing the following information: 1. Full name of individual, firm or corporation; including all members, owners, partners and directors of such firm or corporation and, if the corporation is a foreign corporation, or if the individual persons or partners applying for such certificate of approval are not residents of the State of Alabama, then the application shall designate a resident agent for service; 2. The previous occupation of such individual or individuals, firm or corporation and complete information concerning the occupations of the directors in the case of a corporation; 3. A complete financial statement showing all the assets and liability of the applicant and if the applicant is an individual or partnership, a complete financial statement showing all assets and liabilities of the individual or of the individual partners; 4. A complete plan of operation setting forth such information relating thereto as the board in its application form may lawfully require. Upon receipt of such application, the board shall, within 45 days, set the application for public hearing. B. Qualifications.—At the time set for hearing of the application, the applicant shall show by competent evidence its qualifications. After the duly held hearing and upon proper showing at the hearing of the qualifications of the applicant, the board may then issue a certificate of approval to the school. C. Financial Responsibility.—The Board shall take into consideration the financial qualifications of the applicant and in no case shall the board grant a certificate of approval to any applicant if the applicant fails to show sufficient financial worth and responsibility to properly conduct a school and fails to assure the board that the applicant's financial resources will be ample to maintain and operate the school and assure the graduation of students who are registered with and have paid their tuition to the school. D. Mis-

representations to Disqualify Applicant.—If the applicant, prior to the issuance to it of a certificate of approval knowingly makes any false or fraudulent statements or in any way misrepresents or makes false statements in its application, the applicant shall be disqualified and no certificate of approval shall be granted to it by the board. E. Fraud Cause for Cancellation of Certificate of Approval.—Should any applicant, after receiving a certificate of approval from the board, be found guilty of committing fraud, the board shall have the authority to revoke and cancel the certificate of approval. F. Limitation of Transfer of Certificate.—The certificate of approval shall be transferrable only to such persons, individuals, or corporations who shall make a showing to the board of financial responsibility, in the same manner as required of an original applicant. G. An approved school shall maintain upon its staff one full time competent and qualified instructor for each 20 students; such instructor must have had one year or more experience as a licensed operator. Such school shall give and require a course of training and instruction of the number of hours of classroom work hereinbefore provided for in Section 283, divided into classified hours conforming with the curriculum issued by the board, provided, however, that the course of instruction and theory shall be not less than 10% of the number of said required hours, said hours not to exceed eight hours per day; to include both practical instruction and study and recitation in sanitation, sterilization, and the use of antiseptics consistent with the practical, theoretical requirements as applicable to and as provided in this chapter, and shall comply with all rules and regulations relating to schools as in this chapter contained. Where the registrant in a school is enrolled for the entire beauty course, the requirements set forth by this chapter relating to the hours of study in manicuring may be modified at the discretion of the board. H. Each approved school shall display in the entrance reception room of its student section, a sign indicating that all work therein is done exclusively by students. I. Charges for Student Work.—Nothing contained in this chapter shall prevent any duly approved school teaching hair-dressing and beauty culture from making a charge for student work done in the school to cover the cost of materials used and expenses incurred in and for the operation of the school. All practice of cosmetology done in a school shall be advertised, and held forth as being student work and not otherwise. J. All teachers and instructors shall be prohibited from practicing cosmetology for pay or hire, directly or indirectly.

VIII. That Section 288 of Title 62 of the 1940 Code of Alabama be amended to read as follows: Section 288. Chairman; compensation and expenses; office space and equipment; seal; disposition of fees, etc.; examination; quorum.—The members of such board shall, after their appointment, annually elect from among their members a chairman and may do all things necessary or convenient for carrying into effect the provisions of this subdivision. The members of the board shall serve in their capacity as members of said board and perform their duties as set out and provided in this subdivision, without compensation except as herein otherwise provided. The board shall obtain such office space, furnishings, and other proper conveniences as it shall deem reasonably necessary for carrying out the provisions of this subdivision. The county governing body may assign such to it in the courthouse provided that the actual cost to the county shall be paid by the board. The principal office of said board is to be located at the county seat of said county. The board shall adopt a seal with such design as it may prescribe engraved thereon by which it shall authenticate its proceedings. Copies of all records and papers in the office of the board duly certified and authenticated by its seal shall be received in evidence in all courts with like effect as the original. A charge of \$1.00 shall be paid for the issuance of all documents on which the board must affix its seal, and

the board shall charge \$1.00 each for the issuance of duplicate licenses. All fees and charges collected by the board under the provisions of this subdivision shall be paid into the treasury of the respective counties hereby affected and shall constitute a separate fund. All expenses incurred by the board shall be paid out of such separate fund upon the order of the board, by checks approved by the chairman of such board of county commissioners, or other like governing body, provided the total of such payments for each purpose shall not exceed the total fees, licenses and charges collected and paid into the county treasury by such board. The members of each board shall at least four times each year hold an examination for the purpose of determining the qualifications of the applicants to become cosmetologists. Said board members shall each receive \$30.00 per diem when said board is in session or when holding examinations provided, however, that said board members shall not receive compensation for more than thirty meetings each year, including the holding of examinations. A majority of the board shall constitute a quorum.

IX. That Section 289 of Title 62 of the 1940 Code of Alabama be amended to read as follows: Section 289. Requirement of renewal of license.—Each such board shall require each operator whether employed in a shop and subject to the license imposed by Section 473 of Title 51, or working in a shop on piece work, or commission, or as an independent contractor and therefore, not liable to such license, each school of cosmetology and each beauty shop in its respective county to renew their license hereunder once a year by requiring each of the above to make application to the board for such renewal license and such renewal application shall be accompanied by a renewal fee as follows: for operators, five dollars, for shops, fifteen dollars, for schools, fifty dollars, for manicurists, five dollars, and there shall be attached to each application for an operator for renewal a sworn certificate of health of said applicant issued by a registered licensed physician. Upon the approval of said application for renewal by the board said license shall be issued. A license shall expire on the thirty-first day of December in each year and upon failure to pay said license within 60 days after due date a penalty of 20% shall be added thereto. The holder of an expired operator's license or manicurist's license, may have his or her certificate restored upon payment of license fees for the period since such expiration, not to exceed an amount equal to the total of said license fees for a period of four years. Any person, firm or corporation violating any of the provisions of this act or rules and regulations adopted under the provisions thereof or any provision for which a penalty is not provided shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not less than ten dollars (\$10.00) and not more than five hundred dollars (\$500.00) for each offense and each day's violation shall constitute a separate offense.

X. This Act shall take effect immediately upon its passage by the Legislature of Alabama and its approval by the Governor of Alabama, or its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared ELEANOR ABERCROMBIE FOSTER who, by me duly sworn, deposes and says that she is the PUBLISHER OF ALABAMA MESSENGER, (formerly the Alabama Legal Advertiser and the Birmingham Messenger), a weekly newspaper of GENERAL CIRCULATION, PUBLISHED and PRINTED in Jefferson County, Ala-

REGULAR SESSION
3rd Day

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bama, and which has been in CONTINUOUS WEEKLY PUBLICATION SINCE 1918. And that there was published in said newspaper in the issues of April 26, May 3, 10, 17, 1975, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER,
Publisher.

Sworn and subscribed to on this the 19th day of May, 1975.

KAREN W. ABERCROMBIE,
Notary Public.

By Messrs. Crawford, Carothers, Smith (J), Folmar, Smith (C), Holley, Baker, Whatley, Higginbotham, Sasser, Malone, Harris, Warren, Owens, Turnham, McNair, Edwards, Dial, Manley, Reed, McCluskey, Weeks, Rich, Martin, Roberts, Coburn, Hill, Teague, Kinsey, Campbell and Lockett:

H. 507. To amend Section 5 of Act No. 37, H. 175, 1962 Extraordinary Session (Acts of 1962, p. 88; now appearing in Code of Alabama, Recompiled 1958, Title 51, Section 188 (14)), entitled "An Act To raise revenue; to levy an excise tax on account of the use, storage or consumption in the State of Alabama of certain utility services; to prescribe the rates thereof and exclusions therefrom; to provide the method of collecting such tax and the method of enforcing payment thereof; to provide for the disposition of the proceeds from the said tax; and to repeal all laws in conflict with this Act;" so as to exclude electricity used or consumed in the isotopic enrichment of uranium from taxation under the provisions of the act.

Ways and Means.

By Messrs. Manley and Crowe:

H. 508. To amend section 377 of Title 51, Code of Alabama 1940, which relates to the rate of tax for income tax purposes so as to provide separate rate schedules for single persons or married persons filing separately and for married persons filing jointly; to amend further section 385(4) of Title 51, Code of Alabama 1940, to increase the optional standard deduction to 15 percent of adjusted gross income or \$1,500.00, whichever is lesser, for single persons, including head of family, or married persons filing separate returns, and 15 percent of adjusted gross income or \$3,000.00, whichever is lesser, for married persons filing joint returns; to amend further section 388 of Title 51, Code of Alabama 1940, to provide that if married persons elect to file separate returns each must claim a personal exemption of \$1,500.00; to amend further section 424(2) of Title 51, Code of Alabama 1940, to conform the withholding of tax from the wages of an employee by an employer to the rate schedules proposed in section 377 and the optional standard deduction proposed in section 385(4).

State Administration.

By Messrs. Manley, Pegues, Crowe, Killian, McCluskey, Waggoner, McNeese, Morris, Biddle, Cooper, Drake, Merrill, Higginbotham and Harrison:

H. 509. To provide further for the selection and appointment of the members of the several jury commissions by prescribing that the county commissions or other like governing bodies shall select and appoint the members of the said commissions for terms that coincide with that of the Governor and to repeal Code of Alabama 1940, Title 30, Section 10, and other conflicting laws.

Local Government.

By Messrs. Manley, Pegues, Crowe, Killian, McCluskey, Waggoner, McNees, Morris, Biddle, Cooper, Drake, Merrill, Higginbotham and Harrison:

H. 510. To amend Section 1 of Act No. 610, H. 811, Regular Session 1951 [Acts 1951, p. 1054, now appearing in Code of Alabama, Recompiled 1958, Title 51, Section 835], as amended, relating to license inspectors and their duties; so as to provide that the county commissions or other like governing bodies of the several counties shall appoint a license inspector for each county and repeal conflicting statutes.

Local Government.

By Messrs. Kinsey, Burgess, McMillan, Naramore, Mitchem, Moore (O), Robertson, Albright, Johnson, Goodwin, Riddick, Starkey, Boles, Teague, Wyatt, Coburn, Crowe, Owens and Malone:

H. 511. To prohibit producers or refiners of petroleum products from operating retail service stations; permitting the Alabama Energy Management Board to adopt rules or regulations which define the circumstances on which a producer or refiner may operate temporarily a previously dealer-operated station; requiring the Alabama Energy Management Board to permit certain exceptions to the divestiture dates by considering all of the relevant facts and reaching certain conclusions; and regulating voluntary allowances and rental agreements.

State Administration.

By Messrs. Lutz and Killian:

H. 512. To amend Sections 36 and 38, as amended, of Title 53, Code of Alabama 1940, being Sections 9 and 11 of Act No. 542, Regular Session 1959, pp. 1335 et seq. which regulate transactions in securities in Alabama so as to resolve an ambiguity and make it clear that Alabama Credit Unions are entitled to the same exemptions enjoyed by banks, savings and loan associations and trust companies.

Banking.

By Messrs. Lutz and Killian:

H. 513. To amend sections 282, 283, 284, 285, 287, 289, 292, 295 as amended, 297 and 300 of Title 28, Code of Alabama 1940, and Section 2 of Act No. 603, Regular Session 1962 (Acts of 1962, p. 862), as amended by Act No. 221, Regular Session 1967 (Acts of 1967, p. 589) (now appearing as Section 287, (3), Title 28, Code of Alabama 1940, as Recompiled 1958), all of which provide for credit unions in Alabama, so as to provide for supervision by the superintendent of banks, to provide further for examination fees, to provide further duties for the supervisory committee, and to provide for a policy as concerns loans to directors and officers.

Banking.

By Messrs. Owens, Robertson, Johnson, Clark, Lee and Howard (With Notice and Proof):

H. 514. Relating to Tuscaloosa County; to provide for a uniform compensation schedule for all law enforcement officers in the sheriff's department in said county.

Local Legislation No. 1.

Notice and Proof H. 514:

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Tuscaloosa County; to provide for a uniform compensation schedule for all law enforcement officers in the sheriff's department in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The compensation of all law enforcement officers in the sheriff's department in Tuscaloosa County shall not be less than the compensation of a State Trooper in the State Department of Public Safety with comparable years of service and comparable rank and position. The schedule of compensation for such employees shall be as follows:

Rank	Compensation
Chief Deputy	Shall be comparable to Captain in the State Troopers
Chief Investigator	Shall be comparable to Lieutenant in the State Troopers
Lieutenant Evidence Technician Identification Officer and Investigator	Shall be comparable to Sergeant in the State Troopers
Sergeant	Shall be comparable to Corporal in the State Troopers
Deputies	Shall be comparable to State Troopers
Jailers, Matrons, Execution Clerk, and Communications Officers	Shall be comparable to State Troopers

Section 2. The compensation provided for by this act shall be paid from any funds available to the governing body of Tuscaloosa County.

Section 3. Tuscaloosa County shall not reduce the number of Deputy Sheriffs authorized in such county to less than the number of Deputy Sheriffs authorized by said county on June 1, 1975.

Section 4. Any law or parts of law in conflict with the provisions of this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karl Elebash, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Graphic, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 1, May 8, May 15, and May 22, all in the year 1975.

KARL ELEBASH.

Sworn to and subscribed before me May 22, 1975.

LaJUNE BURNETT,
Notary Public.

By Messrs. McCulley, Campbell and McCorquodale:

H. 515. To increase the expense account for the district attorney and the court reporter of the First Judicial Circuit by \$225 a year.

Local Government.

By Messrs. Shelton, Campbell, Hill, Baker, Holley, Weeks, Taylor, Boles, Teague, Dial, Smith (M), Plaster and Morris:

H. 516. To further amend Section 745, Title 37, Code of Alabama 1940, as amended, so as to include telephone companies and to thereby authorize municipalities to levy an increased privilege or license tax on persons engaged in the telephone business; to authorize such levy not to exceed 3% of the gross receipts of such telephone company from all the intrastate business done by such telephone company within the limits of the municipality; to repeal Section 744, Title 37, Code of Alabama 1940, as amended; to provide a severability clause; to provide for an effective date.

Local Government.

By Messrs. Shelton, Hill, Owens, Carothers, Baker, Sasser, Holley, Quarles, Weeks, Taylor, Greer, Ford, McNeese, Goodwin, Coburn, Riddick, Boles, Folmar, Naramore, Armstrong, Teague, Smith (M), Plaster, Roberts, Sparks and Hall:

H. 517. To authorize incorporated municipalities, counties, and state agencies to purchase liability insurance to indemnify innocent parties unintentionally injured by state police, sheriff, deputy or local police in the performance of their official duties.

Ways and Means.

By Messrs. Robertson, Smith (C), Kinsey, Folmar and Hines:

H. 518. To provide that the salary of state employees shall be adjusted according to the consumer price index; and to appropriate funds therefor.

Ways and Means.

By Messrs. Robertson, Harris and Wyatt:

H. 519. To make appropriations from the General Fund in the State Treasury to the Commission on Aging to be used for financing

certain local government programs and varied matching federal programs for the fiscal years ending September 30, 1976 and 1977.

Ways and Means.

By Mr. Robertson:

H. 520. To provide sales and use tax exemptions for certain drugs and medicines purchased by prescription.

Ways and Means.

By Mr. Robertson:

H. 521. To provide that a school teacher or public employee employed by a public school system, the State Board of Education, the State Department of Education, State Senior Colleges and Universities, State Junior Colleges, State Vocational Technical Schools, the Alabama Commission of Higher Education and the Alabama Education Study Commission or any other State educational institution or agency, shall continue to draw his full salary for a certain period when incapacitated as a direct result of an on-the-job injury; to provide that payment of such benefits shall not exhaust his accumulated sick leave and to authorize standards for carrying out the provisions of this Act.

Ways and Means.

By Messrs. Harrison, Falkenburg, Hall, Porter, Andrews, Hilliard, Leonard, Hopping, Jolly, McNair and Howard:

H. 522. To empower the governing body of any city in the state having a population of 250,000 or more to establish the amount of annual vacation time, sick leave with pay and leave without pay to which its employees shall be entitled; and to empower such governing body to establish rules and regulations governing its employees entitlement to the same.

Local Legislation No. 2.

By Messrs. White, Smith (B), Greer, Martin, Roberts, Sonnier, Riddick, Taylor, Ford, Albright, Rich, Armstrong, Quarles, Gafford, McNair, Harrison, Biddle, Trammell, Hopping, Hall, Jolly, Gregg, Johnson, Howard, Clark, Robertson, Smith (C), Holley, Reed and Whatley:

H. 523. To amend Act No. 298, H. 32, 1959 Regular Session (Acts 1959, p. 871; now appearing in Code of Alabama Recompiled 1958, Title 52, Section 103 (1)), relative to election of county superintendents of education to provide that no person residing outside the jurisdiction of such superintendent shall vote in the elections thereof.

Education.

By Messrs. White, Smith (B), Greer, Roberts, Martin, Sonnier, Riddick, Ford, Albright, Rich, Armstrong, Quarles, Gafford, McNair, Harrison, Biddle, Trammell, Hopping, Hall, Jolly, Gregg, Johnson, Clark, Howard, Robertson, Smith (C), Holley, Reed and Whatley:

H. 524. To amend Title 52, Section 63, Code of Alabama 1940, so as to provide that only those qualified voters residing in the area served by the school board members shall be eligible to vote in the election of the members of that school board.

Education.

By Messrs. Robertson, Plaster, Crowe, Wyatt, Burgess, Hill, Johnson and Lee:

H. 525. To establish the Alabama Firefighters Personnel Standards and Education Commission; to provide for the appointment, tenure, qualifications, and payment of the members of the Commission; to provide for the employees and officers of the Commission; to regulate the meetings, quorum, and seal of the Commission; to prescribe the duties and functions of the Commission; to grant to the Commission the power to make rules, regulations, and standards, and for the publication of same; to provide penalties for the violation of this Act or the regulations of the Commission; to establish the Alabama Firefighters Personnel Standards and Education Fund and to provide for the Fund to accept grants, gifts, and other payments; to provide for cooperative agreements between firefighting agencies; to make biennial appropriations for the Fund for fiscal years 1975-76 and 1976-77; to provide for the severability of the parts of the Act; and to provide for the effective date of the Act.

Ways and Means.

By Messrs. Johnstone, Armstrong, Kennedy, Malone, Cooper, Harrison, Leonard and Killian:

H. 526. To amend Sections 102 and 103 of Title 15 of the Code of Alabama 1940, to prohibit the issuance of a search warrant for a dwelling place unless the affiant names under oath the person or persons residing therein or states under oath that, after diligent investigation, such name or names cannot be determined, and to prohibit the issuance of a search warrant based on hearsay from an informer, or other person, whose identity is not revealed by the affiant.

Judiciary.

By Messrs. Gafford, Biddle, Armstrong, Waggoner, Moore (O), McNair, Hall, White, Hopping, Falkenburg, Jolly, Trammell, Andrews, Leonard and Howard (With Notice and Proof):

H. 527. To further amend Act No. 22 of the Second Special Session of 1956, approved March 23, 1956 (Ala. Acts, Special Sessions of 1956, Page 290 et seq.), as heretofore amended, relating to deductions from salary and rights and benefits and pensions and relief of members and former members of the Fire Department of the City of Birmingham and their existing and former dependents under Act No. 307 of the Regular Session of the Legislature of Alabama of 1943, approved June 28, 1943 (General Acts Alabama 1943, Page 264) and the predecessors of said Act.

Local Legislation No. 2.

Notice and Proof H. 527:

Notice is hereby given of intention to apply at the regular session of the legislature of Alabama of 1975 for the adoption of an act which will be as follows:

LEGAL NOTICE

Notice is hereby given that at the 1975 Regular Session of the Legislature application will be made for the enactment of a law further amending Sections 1, 2, 3 and 6 of Act No. 22 of the Second Special Session of 1956 (Page 290 et seq.). as heretofore amended, in the respects below stated.

The proposed law would delete from said Sections 1, 2, 3, and 6 of said Act No. 22, as last amended, the following words and figures:

"September 1, 1969"

wherever said words and figures appear in said Sections 1, 2, 3 and 6; and in place and instead of said words and figures deleted, as aforesaid, the proposed law would substitute the following words and figures:

"November 1, 1973"

Said Act 22, as heretofore amended, now provides that pensions of persons retired under Act No. 307 of the Regular Session of the Legislature of 1943, (Ala. Acts, 1943, P. 264) and the deductions from the salaries of such persons for pension purposes shall be based on, or related to, the salaries of active members of the fire department in effect on September 1, 1969. The purpose of the proposed law is to secure such pensions and such salary deductions to be based on, or related to, the salaries of active members in the Fire Department in effect on November 1, 1973. If that date is not acceptable to the Legislature, application will be made for a provision in the proposed law, requiring that the said pensions and salaries be based on, or related to, the salaries of active members of the Fire Department in effect on some other date between September 1, 1969 and November 1, 1973.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared ELEANOR ABERCROMBIE FOSTER who, by me duly sworn, deposes and says that she is the PUBLISHER OF ALABAMA MESSENGER, (formerly the Alabama Legal Advertiser and the Birmingham Messenger), a weekly newspaper of GENERAL CIRCULATION, PUBLISHED and PRINTED in Jefferson County, Alabama, and which has been in CONTINUOUS WEEKLY PUBLICATION SINCE 1918, And that there was published in said newspaper in the issues of May 3, 10, 17, 24, 1975, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER,
Publisher.

Sworn and subscribed to on this the 26th day of May, 1975.

KAREN W. ABERCROMBIE,
Notary Public.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Mitchem, Kelley and Brindley:

H. J. R. 48. Designating the section of U. S. 431 between Gadsden and Guntersville as "The Lake Guntersville Parkway."

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of U. S. Highway 431 from its intersection with U. S. Interstate Highway I-59 at Gadsden, Alabama, to Guntersville, Alabama, is hereby designated and shall be known as "The Lake Guntersville State Parkway", and that the State Highway Department, or the Director thereof, shall cause to be erected along such route appropriate signs and markers denoting the name of the highway.

The resolution, H. J. R. 48, was read and referred to the Standing Committee on Rules.

Also:

By Mr. White:

H. R. 49. COMMENDING MOUNTAIN BROOK HIGH SCHOOL FOR ITS OUTSTANDING ATHLETIC PROGRAM.

WHEREAS The State of Alabama awards seventeen state championships in 4A competition; and

WHEREAS Mountain Brook High School won seven state championships and placed high in four others; and

WHEREAS It is our belief that this is a unique accomplishment in the history of 4A sports in Alabama; and

WHEREAS Above 40 % of the Student body of Mountain Brook is actively involved in athletic activities; and

WHEREAS The general attitude of our students is one of active involvement, participation, and service to the institution which is reflected in their accomplishments in academics and athletics; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That we most heartily commend the athletic program and students of Mountain Brook High School.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, head coach, coaches, and president of the student body.

On motion of Mr. White, the rules were suspended and the resolution, H. R. 49, was adopted.

Also:

By Messrs. Holmes, Barron, Wyatt and Harris:

H. J. R. 50. CONGRATULATING THE ROBERT E. LEE HIGH SCHOOL BASEBALL TEAM ON WINNING THE STATE 4-A BASEBALL CHAMPIONSHIP.

WHEREAS the Robert E. Lee High School Baseball Team has just won the State 4-A Baseball Championship; and

WHEREAS this is just one of the many athletic honors that the various teams from Robert E. Lee High School have won throughout the years; and

WHEREAS this championship is the result of the hard work of the coaching staff and team of the Robert E. Lee High School Baseball Team and the support of their parents and the student body; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the legislature does heartily congratulate the Robert E. Lee High School Baseball Team on winning the State 4-A Baseball Championship.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the Principal of the high school, the coaching staff of the baseball team, and to each member of the team.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 50, on the Clerk's desk for one legislative day.

Also:

By Mr. Holmes:

H. R. 51. TO REQUIRE COMMITTEE CHAIRMEN TO TAKE UP BILLS IN THE ORDER IN WHICH THEY WERE RECEIVED BY THE COMMITTEE AND TO PROHIBIT SPECIAL ORDER CALENDARS FOR CONSIDERING BILLS IN COMMITTEE.

WHEREAS The most fair and equitable way for a committee to consider bills assigned to it is in the order in which the committee received them; and

WHEREAS it can prove unjust and inequitable to allow the chairman of the committee to institute a special order calendar whereby certain bills are given preference for consideration; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That all committee chairman of House committees shall take up bills assigned to the committee in the order in which they are received.

No special order calendar for consideration of bills before the committee shall be adopted without the unanimous consent of all committee members.

BE IT FURTHER RESOLVED, That any bill reported out of committee other than in accordance with the provisions of this resolution shall not be considered to have been properly reported out of committee and shall be recommitted upon the motion of any member for further consideration by the committee and compliance with this resolution.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Holmes to suspend the rules in order to take up for immediate consideration the resolution, H. R. 51, was lost.

And the resolution was read and referred to the Standing Committee on Rules.

Also:

By Mr. Crowe:

H. J. R. 52. CONGRATULATING MELISSA OLIVER UPON HER SELECTION FOR MEMBERSHIP IN MORTAR BOARD AT THE UNIVERSITY OF ALABAMA.

WHEREAS the highest honor that can be conferred on a woman student on any college campus in this nation is for selection for membership in Mortar Board; and

WHEREAS Melissa Oliver has been selected for membership in Mortar Board at the University of Alabama; and

WHEREAS Melissa Oliver justly deserves membership in Mortar Board for in every respect she meets the qualifications of outstanding leadership, scholarship and service which are the foundation stones upon which Mortar Board has built its reputation of excellence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Melissa Oliver upon her selection for membership in Mortar Board.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Melissa and her parents, Mr. and Mrs. John Oliver.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 52, on the Clerk's desk for one legislative day.

Also:

By Messrs. Kinsey and McMillan:

H. J. R. 53. COMMENDING TAYLOR WILKINS FOR 28 YEARS OF SERVICE TO BALDWIN COUNTY AS SHERIFF.

WHEREAS Taylor Wilkins has served as sheriff of Baldwin County continuously for the past twenty-eight years; and

WHEREAS Sheriff Wilkins has strived to have the best equipped department in the state; and

WHEREAS Sheriff Wilkins has served as President of the Alabama Sheriff's Association and as Vice President and Director of the National Sheriff's Association; and

WHEREAS Taylor Wilkins was the chairman of the committee which founded the Alabama Sheriff's Boys Ranch; and

WHEREAS Sheriff Wilkins established the Baldwin County Civil Defense Department which has performed an invaluable service to the county residents; and

WHEREAS Taylor Wilkins is a prominent and influential leader of Baldwin County in civic, social and religious life and has continued to take an active part in the betterment of his community and is particularly interested in projects to help young people; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Taylor Wilkins for a job well done and wish him continued success in future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Taylor Wilkins.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 53, on the Clerk's desk for one legislative day.

Also:

By Mr. Clark:

H. J. R. 54. COMMENDING GLENN STILL ON BEING NAMED SOYBEAN KING.

WHEREAS Glenn Still, a 23 year old Boligee farmer has been named the winner in the 1974 Alabama Soybean Yield Contest; and

WHEREAS the Alabama Soybean Association and Elanco Products Company were sponsors of the 1974 yield contest; and

WHEREAS Mr. Still grew 300 acres of conventional early soybeans and 100 acres of soybeans double-cropped behind wheat in 1974; and

WHEREAS Mr. Still combined several good management practices to produce his winning yield of 55.6 bushels per acre on a 12.4 acre field; and

WHEREAS Mr. Glenn Still justly deserves the title of Alabama's "Soybean King;" now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Glenn Still on being named Alabama's "Soybean King."

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Glenn Still, Boligee, Alabama.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 54, on the Clerk's desk for one legislative day.

Also:

By Mr. Lee:

H. J. R. 55. GRANTING UNANIMOUS CONSENT TO PROVIDE THAT HOUSE BILL 293, WHICH PROPOSES A NEW CRIMINAL CODE, NEED NOT COMPLY WITH THE PROVISIONS OF JOINT RULES 12 AND 13 OR ANY OF THE RULES OF THE HOUSE AND SENATE WHICH REQUIRE THAT BILLS BE ON PAPER THAT HAS NUMBERED LINES AND BE DOUBLE SPACED.

WHEREAS House Bill 293 which proposes an entire new criminal code for the State of Alabama was prepared by the law institute at the University of Alabama long before the Legislature adopted Joint Rules 12 and 13 and the individual House and Senate Rule that requires that all bills be typed on paper that has numbered lines and be double spaced; and

WHEREAS the retyping of this bill would necessitate retyping of over 200 pages; and

WHEREAS the bill is in a very legible and understandable form; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do grant unanimous consent that House Bill 293 or any substitute therefor or amended version thereof need not comply with the provisions of Joint Rules 12 and 13 or the provisions of any separate rule of the House or Senate which require that bills be typed on paper having numbered lines and be double spaced.

The resolution, H. J. R. 55, was read and referred to the Standing Committee on Rules.

H. 338 RE-REFERRED

No objection being offered the Speaker re-referred the bill, H. 338, from the Standing Committee on Ways and Means to the Standing Committee on State Administration.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Campbell and Manley:

H. J. R. 56. CONGRATULATING J. D. 'JOSH' SELLARS UPON BEING ELECTED PRESIDENT OF THE ALABAMA LEAGUE OF MUNICIPALITIES.

WHEREAS, J. D. 'JOSH' Sellars was elected to the highest office of the Alabama League of Municipalities at its annual convention in Huntsville; and

WHEREAS, Mr. Sellars has brought recognition to Baldwin County and the city of Robertsdale by being the first League president from the county; and

WHEREAS, Mr. Sellars has served as mayor of Robertsdale for 26½ years; and

WHEREAS, during his term of service Mayor Sellars has never missed a meeting of the city council; and

WHEREAS, J. D. 'Josh' Sellars has also served the League as Vice-President; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate J. D. 'Josh' Sellars upon being elected President of the Alabama League of Municipalities.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Mayor Sellars and his family.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 56, on the Clerk's desk for one legislative day.

Also:

By Messrs. Campbell and Manley:

H. J. R. 57. SALUTING SUMTER COUNTY UPON BEING NAMED NUMBER ONE IN RURAL DEVELOPMENT.

WHEREAS the people of this state are our most valuable resource; and

WHEREAS the people of Sumter County are the greatest, they work together to solve their problems; and

WHEREAS this is why Sumter County was selected number one in the nation in rural development; and

WHEREAS on May 28 Sumter County Rural Development Committee received the Distinguished Service Award from the U. S. Department of Agriculture; and

WHEREAS Sumter County has demonstrated that people with strong individual interests and from different areas of endeavor can make important contributions to improving the quality of rural life; now therefore,

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BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we salute the people of Sumter County upon being named number one in Rural Development.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to the Sumter County Rural Development Committee and the Sumter County Board of Commissioners.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 57, on the Clerk's desk for one legislative day.

Also:

By Mr. Manley:

H. J. R. 58. Be it Resolved by the Legislature, Both Houses concurring that

When the two Houses adjourn today they adjourn to meet again on Tuesday, June 3rd, and when they adjourn they adjourn to meet again on Thursday, June 5th, and when they adjourn they adjourn to meet again on Wednesday, June 11th, and when they adjourn they adjourn to meet again on Thursday, June 12th.

On motion of Mr. Manley, the rules were suspended and the resolution, H. J. R. 58, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Merrill, the rules were suspended in order to take up out of order the third reading of the bill, H. 174.

And the bill:

H. 174. (With Amendment): To make a supplemental appropriation to the Department of Health for the operation of the Medicaid Program for the fiscal year ending September 30, 1975, in the amount of \$8,700,000.00.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill No. 174 by deleting the words and figures wherever they appear, and which are stricken through viz; Eight Million Seven Hundred Thousand Dollars (\$8,700,000.00) and inserting in lieu thereof the following words and figures:

Nine Million Six Hundred Thousand Dollars (\$9,600,000.00).

And the amendment was adopted.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett,

Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 174. To make a supplemental appropriation to the Department of Health for the operation of the Medicaid Program for the fiscal year ending September 30, 1975, in the amount of \$9,600,000.00.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 98; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—98

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show all members voting "Yea" on the bill, H. 174, as co-sponsors.

MOTION TO ADJOURN LOST

The motion offered by Mr. Crowe that the House adjourn until 1:00 o'clock p.m., Tuesday, June 3, 1975, was lost.

RECESS

On motion of Mr. Crowe, the House recessed until 1:30 o'clock p.m.

HOUSE RECONVENED

The hour of 1:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Owens, Waggoner and Gafford:

H. J. R. 59. PROVIDING FOR THE CONTINUATION OF THE JOINT COMMITTEE ESTABLISHED BY SJR 97, ACT NO. 382, APPROVED SEPTEMBER 5, 1967, AND CONTINUED BY SJR 101, ACT NO. 1046, APPROVED SEPTEMBER 12, 1969, AND CONTINUED BY

HJR 217, ACT NO. 2418, APPROVED OCTOBER 1, 1971, TO STUDY THE PROBLEMS OF INTERSTATE AND INTRASTATE HIGHWAY SAFETY GENERALLY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint committee established pursuant to SJR 97, Act No. 382, approved September 5, 1967, and continued by SJR 101, Act No. 1046, approved September 12, 1969, and continued by HJR 217, Act No. 2418, approved October 1, 1971, and continued by HJR 75, Act No. 1183, approved September 18, 1973, shall continue in existence and shall continue its work as directed in said Act No. 382. The committee shall make a report to the legislature before the 10th legislative day of the next regular session.

BE IT FURTHER RESOLVED, That the committee members shall be entitled to their usual legislative per diem and expenses for attending meetings of the committee which shall be paid from funds appropriated for the payment of the expenses of the legislature and that in no event shall this resolution carry an appropriation of more than \$10,000.

The resolution, H. J. R. 59, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Robertson:

H. J. R. 60. NAMING THE LIBRARY AT THE NORTHSIDE HIGH SCHOOL FOR MISS PAULINE SCRIVNER.

WHEREAS Miss Pauline Scrivner served the Tuscaloosa County School System with loyalty and devotion from 1923 until her retirement in 1967; and

WHEREAS she began her teaching career at Reeds Springs School, faithfully walking six miles each day, arriving at the school early to build fires and staying late in the evening to clean the building; and

WHEREAS the schools she served include Reeds Springs, Barbee, Etteca, Coaling, Gorgas and Northside High School; and

WHEREAS Miss Scrivner taught English at Northside High School from the opening of the school until her retirement in 1967; and

WHEREAS she was a valuable influence upon the lives of thousands of students who benefited by her kindness, wisdom and understanding; and

WHEREAS her abounding Christian love for her fellowman endeared her to pupils, friends and fellow teachers; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the library at Northside High School be named and known as "The Pauline Scrivner Library."

BE IT FURTHER RESOLVED, That the Tuscaloosa County Board of Education be directed to designate said library by an appropriate plaque.

The resolution, H. J. R. 60, was read and referred to the Standing Committee on Rules.

Also:

By Messrs. Turnham and Smith (M):

H. R. 61. COMMENDING SHELIA GILBERT, CHOSEN FOR NATIONAL PHI THETA KAPPA'S HALL OF HONOR.

WHEREAS, Shelia Gilbert is one of eight students from over the United States chosen for National Phi Theta Kappa's Hall of Honor; and

WHEREAS, the "Hall of Honor" which was inaugurated at the Bicentennial Convention, held in Philadelphia, Pennsylvania, to properly recognize those individuals who deserve a lasting expression of the fraternity's admiration and gratitude; and

WHEREAS, Shelia Gilbert, granddaughter of Mrs. Roy Gilbert, Sr. of Langdale, Alabama, has been a member of PTK since October 23, 1974, while formerly attending Southern Union State Junior College, of Wadley, Alabama, and currently at Auburn University, Auburn, Alabama, majoring in speech communication; and

WHEREAS, she has received a host of high honors, including: election as "Miss Homecoming" and "Campus Personality", recognition in "Who's Who Among American Junior College Students", and Student Government Association representative—all at Southern Union State Junior College; and

WHEREAS, Shelia in the face of extreme physical adversity, has maintained, with great courage and determination, six quarters as an A student; and

WHEREAS, Shelia Gilbert's chapter has cited her for her radiance and enthusiasm for the organization, and has described her as exemplifying a spirit that embraces all of Phi Theta Kappa; now therefore

BE IT RESOLVED BY THE HOUSE OF REP. OF ALABAMA, That we do most heartily congratulate and commend Shelia Gilbert for her attributes embodying the spirit of courage, determination and cheerfulness, and particularly for being chosen to National Phi Theta Kappa's Hall of Honor.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Miss Shelia Gilbert, her parents, and her grandmother, Mrs. Kay Gilbert, Sr.

On motion of Mr. Turnham, the rules were suspended and the resolution, H. R. 61, was adopted.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show all members voting "Yea" on the resolution, H. R. 61, added as co-sponsors.

RESOLUTIONS

The following resolutions introduced on the first legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 7. Complimenting Miss Leigh Ford upon being chosen "Little Miss Phenix City" for 1975.

H. J. R. 8. Complimenting Miss Wanda Williams upon being chosen "Miss Phenix City" for 1975.

H. J. R. 10. Commending the WBAM "All American" Basketball Team upon raising funds for civic projects throughout the State of Alabama.

H. J. R. 11. Mourning the death of Mrs. Robert E. Lawson.

H. J. R. 12. Commending Chief Frank R. LaPorte of the Selma Police Department for his distinguished service.

On motion of Mr. Crowe, the resolutions were adopted en masse.

RESOLUTIONS

The following resolutions introduced on the second legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 25. Expressing appreciation for the work of the Madison County Sheriff's Mounted Posse.

H. J. R. 26. Commending Gerald R. Ford for prompt action in the Mayaguez incident.

H. J. R. 27. Commending the Bibb Graves High School Basketball Team of Millerville, Alabama.

H. J. R. 28. Commending Rev. Martin DeWeese, Dr. Waymon Reese and the several members of the building committee of the Spring Hill Baptist Church for their efforts in rebuilding said church from total destruction by a tornado.

H. J. R. 29. Mourning the death of John T. Hudson.

H. J. R. 30. Congratulating Emmett E. Tice upon becoming Governor-Elect of the Alabama Central District of Civitans.

H. J. R. 31. Congratulating Dr. Ralph Wyatt Adams upon completion of his tenth year as president of Troy State University.

H. J. R. 32. Commending Dr. John M. Long for completion of twenty-five years of outstanding leadership in Alabama music.

H. R. 33. Wishing the speedy recovery of T. W. Cook.

H. R. 34. A resolution commemorating the Randolph County Schoolbus Drivers for a job well done.

H. R. 35. A resolution commemorating Guy Hartwell Handley for his being chosen Outstanding Student at Handly High School.

H. R. 36. Recognizing the numerous contributions made by the Retired Teachers Association of Randolph County.

H. R. 37. A resolution commemorating the Chambers County Schoolbus Drivers for a job well done.

On motion of Mr. Crowe, the resolutions were adopted en masse.

BILLS ON THIRD READING

And the bill:

H. 57. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Trinity.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Edwards, Falkenburg, Folmar, Ford, Greer, Gregg, Hall, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—69

And the bill:

H. 58. To amend Section 15 of Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), creating the Municipal Utilities Board of Decatur so as to raise the amount of expenditure for any new construction, additions, or replacements to the electric plant requiring approval by the City Council of the City of Decatur.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

—74

And the bill:

H. 90. Relating to counties having populations of not less than 27,900 nor more than 33,500; to provide an additional per diem and mileage expense allowance for jurors in such counties.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Carothers, Cates, Clark, Coburn, Crawford, Crowe, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Howard, Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Reed, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

—71

And the bill:

H. 93. To amend the City of Dothan Pension and Retirement System, established by Act No. 103, Regular Session of the Alabama Legislature, approved June 18, 1953, and amended by Act No. 424, Regular Session of the Legislature, approved August 7, 1961; Act No. 509, Regular Session, approved August 20, 1965; Act No. 601, Regular Session, approved September 8, 1967; Act No. 59, Regular Session 1971, approved July 12, 1971.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crowe, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—79

And the bill:

H. 104. Relating to Russell County; requiring any county official who maintains a fiduciary fund under the provisions of Title 58, Sections 30 through 38 or any other statutory provisions which provide for the keeping of fiduciary funds, to remove any monies which have been in the fiduciary fund for a period of ten years or more, and to credit such funds to the county treasury to be expended by the county governing body for any and all purposes.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Crowe,

Edwards, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—79

And the bill:

H. 105. Providing that the Probate Judge of Russell County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

And the bill:

H. 114. Relating to Choctaw County, Alabama; levying a privilege license or excise tax on certain sellers and distributors of spiritous or vinous liquor; levying a privilege license or excise tax upon sellers, distributors, storers, or users of malt or brewed beverages; authorizing the county commission to levy an additional tax upon such sellers, distributors, storers, or users of malt or brewed beverages; providing for the administration of the Act by the Probate Judge and the collection, apportionment, and distribution of the proceeds of the Act; prescribing penalties for violations and giving the Act a retroactive effect.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster,

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Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (M), Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—76

And the bill:

H. 161. Relating to Conecuh County; to provide further for the distribution of any oil and gas severance tax paid to the governing body of Conecuh County.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNeas, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—83

And the bill:

H. 162. Relating to Conecuh County; to amend and reenact Act No. 143, H. 536, Regular Session 1969 (Acts of 1969, p. 415), which act provides for a pistol fee in said county, so as to provide that all monies collected from said act shall be deposited in the county treasury and earmarked for law enforcement purposes.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNeas, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—81

And the bill:

H. 163. Relating to Conecuh County: Authorizing the sheriff to send, by first-class mail, notice of summons to persons selected to serve jury duty; and to notify, by first class-mail those persons selected to serve as election officers.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Messrs.: Albright, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—80

And the bill:

H. 164. Relating to Conecuh County, providing for the reimbursement of actual expenses of the members of the county board of education for their attendance at all authorized out-of-county meetings and conferences upon presentation of receipts by such members.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—84

And the bill:

H. 165. Relating to Conecuh County; providing for an increase in the pay of the members of the board of registrars and board of equalization.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey,

Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—83

And the bill:

H. 166. Relating to Conecuh County; providing for a monthly clerical assistance allowance for the tax assessor of said county and specifically repealing Act No. 334, H. 921 of the Regular Session 1973 (Acts of 1973, p. 476), which Act provides for such an allowance for the months of October, November and December, only, making the provisions of this Act effective July 1, 1975.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—83

And the bill:

H. 243. Relating to Clarke County; authorizing the county commission of said county to provide data processing computerized services or other electronic systems, including micro-filming equipment, for the offices of the probate judge, tax assessor and the tax collector; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and shall be subject to the recommendation and approval of the probate judge of said county.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris,

Naramore, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—84

And the bill:

H. 244. To provide for a clerk or clerks in the offices of the Tax Collector and Tax Assessor of Clarke County, Alabama, and to fix the method and basis of the employment and compensation of such clerk or clerks, and to make such compensation payable out of the General Fund of said County.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—86

And the bill:

H. 245. Relating to Clarke County; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 247. Relating to Macon County; to provide for and create a County Racing Commission for the regulation, licensing and supervision of dog racing, and wagering thereon; to prescribe the composition, appointment, powers and duties of the commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereto, and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county, and to provide for the severability of the parts, sections and provisions of the act.

Was taken up.

Mr. Reed offered the following substitute to the bill:

A BILL
TO BE ENTITLED
AN ACT

Relating to Macon County; to provide for and create a County Racing Commission for the regulation, licensing and supervision of dog racing, and wagering thereon; to prescribe the composition, appointment, powers and duties of the commission; to provide for and regulate the pare-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereto, and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county, and to provide for the severability of the parts, sections and provisions of the act.

Be It Enacted by the Legislature of Alabama:

Section 1. A County Racing Commission is hereby created and established in and for Macon County. The said racing commission is vested with the powers and duties specified in this act, and all other powers necessary and proper to enable it to execute fully and effectually the purposes of the act. The official name of said commission shall be the "Macon County Racing Commission", the same being sometimes referred to herein as the racing commission or the commission. Said commission shall consist of five persons each of whom shall be entitled to one full vote on all matters coming before the commission. The Macon County Commission shall appoint two members of the racing commission who shall be entitled to cast one full vote each on all matters coming before the commission and shall serve as such member for a term of five years from the effective date of this act. The largest city in said county shall appoint two members of such commission who shall be entitled to cast one full vote each on matters coming before the commission. The City of Notasulga shall appoint one member of the racing commission who shall be entitled to cast one full vote on all matters coming before the commission and shall serve as such member for a term of five years from the effective date of this act. Such members shall serve for a term of five years. Except as hereinabove or hereinafter provided, successors to the members of the first racing commission shall each be appointed by the same authorities, respectively, that appointed the members of the first racing commission, and each of such successors shall be appointed for a term of five years.

The chairman of the commission shall be appointed by the members of the commission at its first meeting which shall be held on the first Tuesday after the commission has been fully appointed, the chairman being appointed for a term of six years. Should an appointing authority fail to make its appointment within thirty days after this act becomes operative, or within thirty days after a vacancy occurs, the legislative delegation shall make provisions for such appointment.

Whenever a member of the racing commission in the opinion of the authority which appointed such member, is not performing the duties of his office in the proper manner, such appointing authority, with the approval of the remaining members of the racing commission, or whenever requested to do so by such remaining members of the commission, may recall such member, but only after giving such member ten days written notice of its intention to so recall him, stating wherein he has failed to carry out the duty placed on him by this act and giving him an opportunity to be heard in person or by attorney in his defense. Vacancies in the offices of chairman or of members of the commission shall be filled for the remainder of the unexpired term by the authority making the original appointment for that office and term. Each commissioner entitled to a full vote shall appoint five members to serve in an advisory capacity to the commission without pay or any monetary remuneration, other than any such courtesies as the commission may extend. All books, records, maps, documents and papers shall constitute public records, and be available for copying, examination and inspection during all normal business hours by any agency, official or person.

Section 2. The chairman and the members of the commission shall be qualified electors of Macon County, not less than twenty-one years of age. Each commissioner shall take the same constitutional oath of office as other county officers, and shall give bond payable to the county in the amount of \$5,000, conditioned that he will faithfully and properly perform the duties of his office. The commission may employ such assistants and employees as may be necessary who shall be paid out of funds deposited in the county treasury to the credit of the racing commission. All such employees and assistants shall be subject to the county-wide merit or civil service system, if any there be in such county, and their compensation and duties shall be prescribed in the same manner as the compensation and duties of other public employees subject to said county-wide merit or civil service system, or as otherwise employed by the county. A member of the racing commission must not be an official of any board of directors, or person financially interested in any race track or race meeting licensed by the commission, nor shall he race dogs in any race meeting licensed by the commission.

Section 3. The compensation of the chairman of the commission shall be \$18,000 per year and the compensation of each other member of the commission entitled to cast a full vote shall be \$15,000 per year. Two members of said commission, entitled to cast a full vote, shall be required to be in attendance at each racing event. When traveling outside the county on the business of the commission the chairman shall be entitled to a per diem allowance of \$50, plus mileage at the rate of 12 cents per mile when traveling by private motor vehicle or other actual traveling expenses when traveling on public carriers. The chairman may direct the members of the commission to travel outside the county on official business of the commission and when any member of such commission is so traveling he shall be entitled to a per diem allowance of \$50, plus mileage at the rate of 12 cents per mile or other actual traveling expenses, but the total number of days for which the allowance for per diem traveling expenses of such member shall not exceed 20 days in any one year for all members of the commission.

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It is specifically provided, however, that there is no limitation on the number of days for which the allowance for per diem traveling expenses may be paid for the chairman. The above sums shall be paid out of the funds in the county treasury deposited to the credit of the county racing commission, and shall be paid to the commissioners in the same manner as the compensation of other county officers is paid. Each member of the commission shall devote time adequate for the fulfillment of his duties relative to the business of the commission.

Section 4. All license fees, taxes and other monies required to be paid pursuant to this act shall be paid to the racing commission and upon receipt thereof shall by such commission be turned over to the Macon County treasurer who shall be ex officio treasurer of the racing commission, and who shall supervise, check and audit the operation of the pari-mutuel wagering pools and the conduct and distribution thereof. The county treasurer and such assistants as he may need in carrying out said duties and responsibilities shall receive such compensation as is prescribed by the racing commission for such additional work out of the funds deposited in the county treasury to the credit of the racing commission. No such funds shall be paid to the members of the commission or persons hired by the commission until such funds are received from the actions of the commission.

Section 5. The racing commission shall have the authority to employ legal counsel of its selection to advise the commission and represent it in all proceedings. The compensation of such counsel shall be paid out of the funds of the racing commission.

Section 6. It shall be the duty of the county racing commission to carry out the provisions of this act; and it shall have the following specific duties:

(1) To fix and set dates upon which race meetings may be held or operated.

(2) To make an annual report to the county commission of its operation, showing its own actions and rulings, and receipts derived under the provisions of this act, and such suggestions as it may deem proper for the more effective accomplishment of the purpose of this act.

(a) The full name of the person, association, or corporation, and if a corporation, the name of the state under which the same is incorporated, and the name of the corporation's agents for service of process within the State of Alabama.

(b) If an association or corporation, the names of the stockholders and directors of the corporation or the names of the officers and directors of the association.

(c) The exact location where it is desired to conduct or hold a race meeting and a complete set of architects renderings and detailed construction plans, showing the site topography, the type of construction, the track design and the concession plans, together with a statement of the assets and liabilities of the person, firm or corporation making such application.

(d) Whether the racing plant is owned or leased, and if leased, the name and address of the owner, or if the owner is a corporation, the names of the officers and directors thereof. Nothing in this act shall prevent any person, association, or corporation from applying to the commission for a permit to conduct races where the racing plant has not been constructed.

(e) The kind of racing to be conducted and the dates requested.

(f) Such other information as the commission may require.

(3) To require an oath of every applicant, or by the president or executive officer of the association or corporation, stating that the information contained in the application is true.

(4) To make uniform rules and regulations governing the holding, conducting and operating of all race tracks, race meetings and races held in the county.

(5) To require the applicant for a license to file a bond in the penal sum of not more than \$50,000 for the faithful performance of all duties placed on licensees hereunder relative to each race held at the licensed race track, with adequate surety, and conditioned also in the event such licensee fails to hold any scheduled race meeting to pay the amount of any tax which should have accrued to the racing commission from such meeting.

Section 7. All books, records, maps, documents and papers of the commission, including those filed with the commission as well as those prepared by or for it, shall at all times be open for the personal inspection of any officer of the State of Alabama, or of any county, municipality, or other subdivision of the State, or of any official investigative body or committee, and no person having charge or custody thereof shall refuse this right to any officer or investigative body or committee, and it shall be the express duty of such person to assist such officer or committee in locating records or information desired by them. Any member or employee of the commission who violates the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars (\$100.00) or imprisoned in the county jail not exceeding three months. If any member of the commission violates the provisions of this section, he shall be subject to removal from office.

Section 8. Any person, association, or corporation desiring to operate a race track in the county shall have the right, subject to the provisions of this act, to hold and conduct one or more race meetings at such track each year, provided, that no such license shall be granted to any person, association, or corporation, or to any track, for a period longer than two hundred thirty racing days in any one year.

Section 9. No race or racing shall be permitted on Sunday. No person under twenty-one years of age shall be employed in any manner about said race track except as exercise boys and grooms; nor shall persons under twenty-one years of age be permitted to attend any race.

Section 10. (a) On or before the 15th day of October of each year, any person, association, or corporation possessing the qualifications prescribed in this act shall have the right to apply to the racing commission for a permit or license to conduct race meetings and racing under this act. On or before the first day of December of each year, after the receipt of any such application, the commission shall convene to consider and act upon all permits or licenses applied for. Approved permits or licenses shall be granted for a period of one year from the date of issuance and shall set forth, in addition to any other information prescribed by the commission, the name of the licensee, the location of the race track, the duration of the race meeting and the kind of racing desired to be conducted and shall show the receipt by the commission of the license fee set by the commission, the setting of which

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is hereby authorized. No such license shall be transferable, nor shall it apply to any other place, track, or enclosure except the one specified in this license.

(b) The commission shall not issue any licenses which would permit any two race tracks in the county to operate on the same racing days. Further, after the first license has been issued to the licensee, all subsequent annual applications for a license by a permit holder shall be accompanied by proof (in such form as the commission may require) that said licensee still possesses the qualifications set out in this act. Such applications for renewal of license shall not be denied except for due cause.

Section 11. The commission may suspend or revoke the license of any licensee conducting a race meeting, upon the willful violation of any of the provisions of the act, or any rule or regulation promulgated by the commission or may invoke a fine not to exceed \$100,000 per offense in lieu thereof.

It is unlawful for any member of said racing commission, or any licensee under this act, directly or indirectly, to make any contribution whatsoever to any political party or to any candidate for any State, county or municipal office, and upon proof being presented of any such prohibited contribution having been made by any licensee, the commission shall immediately and permanently revoke the license of such licensee. If any member of said racing commission violates the provisions of this section, such member shall be subject to removal from office. No disciplinary action may be taken hereunder until the licensee has been presented with notice in writing specifying the time and place of a disciplinary hearing, said notice setting out in substance the nature of the accusation, and inviting the licensee to appear, with or without counsel, as the licensee may decide, the licensee being afforded an opportunity to face and examine his accusers, call witnesses, and testify if he chooses.

Section 12. The commission is empowered to compel the production of any and all books, memoranda, or documents showing the receipts and disbursements of any person, association or corporation licensed to conduct race meetings under the provisions of this act. The commission may at any time require the removal of any employee or official employed by any licensee hereunder whenever it has reason to believe that such employee or official is guilty of any improper practice in connection with racing, has failed to comply with any condition of the license, or has violated any rule adopted by the commission. The commission shall have the power to require that the books and financial or other statements of any licensee be kept in a manner and method provided by the commission; and the commission shall be authorized to visit, investigate, and place auditors and inspectors in the offices, tracks, or place of business of any person, association or corporation licensed under this act. The commission shall have power to summon witnesses before its meetings; to administer oaths to such witnesses and to require testimony on any issue before it. Any person failing to appear before said commission, or failing to produce books, records and documents ordered, or refusing to testify thereon, shall be deemed guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction, shall be punished by a fine of not more than \$50,000.00.

Section 13. The commission shall have the power to grant, refuse, suspend, or withdraw licenses to all persons connected with race tracks, including gate keepers, announcers, ushers, starters, officials,

drivers, dog owners, agents, trainers, grooms, stable foremen, exercise boys, veterinarians, valets, sellers of racing forms or bulletins, and attendants in connection with the wagering machines, pursuant to such rules and regulations as the commission may adopt and upon the payment of a license fee as fixed and determined by the commission in accordance with the position and compensation of such person. Any license may be revoked by the commission, at its discretion, and any person whose license is revoked shall be ineligible to participate in such occupation connected with racing unless the license is returned by the commission with permission to operate thereunder. The commission may deny or revoke a license to any person who has been refused or denied a license by any other state racing commission or racing authority. The initial license granted any person shall be temporary for a period of 90 days during which time the commission shall further investigate the applicant.

Section 14. The commission shall make rules governing, permitting, and regulating the wagering on dog races under the form of mutuel wagering by patrons known as "Pari-Mutuel Wagering", which method shall be legal to the extent that, and so long as, the same is carried on and conducted strictly in conformity with this act, and not otherwise. Only the persons, associations, or corporations receiving a license from the commission shall have the right or privilege to conduct this type of wagering, and the licensees shall restrict and confine this form of wagering to a space within the race meeting grounds. All other forms of wagering on the result of dog races shall continue to be illegal, and any or all wagering outside of the enclosure of such races, where such races shall have been licensed by the commission shall be illegal.

No person or corporation shall directly or indirectly purchase pari-mutuel tickets or participate in the purchase of any part of a pari-mutuel pool for another for hire or for any gratuity and no person shall purchase any part of a pari-mutuel pool through another, wherein he gives or pays directly or indirectly such other person anything of value. Any person violating this section shall be deemed guilty of a misdemeanor, and, upon conviction in a court of competent jurisdiction, shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment not to exceed six months, or both fine and imprisonment in the discretion of the court.

Section 15. Every licensee conducting race meetings under the provisions of this act, shall pay to the ex officio treasurer of the racing commission for the use of the commission a tax in an amount equal to seven (7) percent of the total contributions to all pari-mutuel pools conducted or made on any race track licensed under this act. The commission of a licensee on a pari-mutuel pool shall in no event exceed eighteen percent (18%) of the amount contributed to said pari-mutuel pool, which amount shall include the seven percent (7%) tax heretofore provided. After the deduction of the seven percent (7%) for the use of the commission and the percentage commission of the licensee, the remainder of the total contributions to each pool shall be divided among and redistributed to the contributors to such pools betting on the winning dog. The amount of each redistribution for each winning bet placed shall be determined by dividing the total amount remaining in the pool after the deductions hereinabove provided for by the number of bets placed on the winning dog. Each redistribution shall be made in a sum equal to the next lowest multiple of ten. The licensee is entitled to retain one-half ($\frac{1}{2}$) of the odd cents on all redistributions to be known as the "breaks to a dime." The remaining one-half ($\frac{1}{2}$) of the "breaks" shall be paid to the

ex officio treasurer of the racing commission for the use of the commission as a "breaks tax." Under the pari-mutuel system of wagering herein provided, the licensee shall be permitted to provide separate pools for bets to win, place, and show and also a daily double pool, a quiniela pool and a double quiniela pool. Each pool shall be redistributed separately as herein provided. Should there be no ticket bet on the winning dog, the entire pool will be divided among the holders of tickets on the dog running next in line until the pool has been redistributed to the contributors. The licensee shall be required to use a totalizer machine to record the wagering and compute the odds. Rules and regulations governing the operation of each of the pools shall be set out in book form by the racing commission. The licensee shall collect from each person attending the race meetings under the provisions of this act fifteen percent (15%) of the established admission price or ten cents, whichever sum is the greater, as an admission tax. Licensees shall make payment of such taxes to the ex officio treasurer of the racing commission every seventh calendar day of any and every race meeting, which payment shall be accompanied by a report on the races covered by such report and such other information as the commission may require.

Section 16. If any free passes or complimentary cards shall be issued to guests by any licensee, such licensee shall nevertheless be responsible for payment of the admission tax upon such complimentary admission cards or passes as though they had been sold at regular admission price. However, nothing herein contained shall be construed to prohibit the issuance of tax-free passes to officials and actual employees of the licensee, or other persons actually engaged in working at such track, including persons actually employed and accredited by the press or other news service; provided, that the issuance of all such tax-free passes shall be governed by the regulations and orders of the commission and a list of all such officers, employees, and news service representatives shall be filed with the commission.

Section 17. The licensee fees, commissions, and excise taxes imposed herein shall be in lieu of all license, excise, and occupational taxes to the State of Alabama, or any county, city, town, or other political subdivision thereof.

Section 18. All fees, commission, taxes and other monies, including fines and forfeitures, received under provisions of this act shall be paid to the racing commission and thereafter turned over to the ex officio treasurer of the racing commission who shall forthwith remit all such monies to the county depository for deposit to the account of the Macon County Racing Commission. One percent of all such monies remaining after payment of the expenses incurred in the administration of this act, including the payment of the salaries and expenses of members and employees of the commission, shall be retained by the treasurer of the racing commission and may be used by such commission for miscellaneous civic, philanthropic or charitable purposes, including contributions to nonprofit service organizations; five percent of such monies remaining after payment of said expenses incurred in the administration of this act shall be paid each year to the town of Notasulga; and five percent of such monies remaining after payment of said expenses incurred in the administration of this act shall be paid each year to the board of trustees or other governing body of St. Joseph's School, a parochial school in Macon County. All such monies remaining after payment of said expenses, the retention of the above-mentioned one percent and the payment to the town of Notasulga and to St. Joseph's School shall be distributed by the treasurer, yearly as follows: eighteen

percent (18%) to the county board of education which shall be earmarked for increases in salaries paid to county school bus drivers, teachers and principals until such salaries are raised to the standard that the board of education considers adequate and thereafter used in the discretion of such board, for general school purposes; two percent (2%) to the county board of education to be used to establish a pension and retirement fund for its school bus drivers, janitorial and lunchroom personnel; twenty-five percent (25%) to the county governing body, three percent (3%) of which for Law Enforcement Sub-Stations in Fort Davis, Shorter, Notasulga and Society Hill and pension and retirement fund for county law enforcement officers; ten percent (10%) to the county community action committee incorporated of Macon County; fifteen percent (15%) to institutions of higher learning in Macon County for financial assistance for students from Macon County families; five percent (5%) to Pensions and Security (improve and expand the Food Stamp Program) for applicants and recipients at the zero level income; and twenty-five percent (25%) to the incorporated municipalities of the county, to be divided and distributed as follows: if there are only two incorporated municipalities in such county, then $\frac{4}{5}$ of the amount allocated to the municipalities (that is 20% of the remaining monies distributed pursuant to this section) shall be paid to the largest municipality in such county and the remaining $\frac{1}{5}$ of the municipalities' share of such distribution (that is 5% of the remaining monies distributed pursuant to this section) shall be paid to the other municipality in the county; if there are more than two incorporated municipalities in the county, then the municipalities' share shall be prorated among all the municipalities on the basis of population, each municipality receiving such part of this 25% distribution as its population is of the total population of all the municipalities in the county. Of the 25% to be allocated to the largest municipality, 2% shall be used to establish a pension and retirement fund for its policemen and firemen (i.e. a full 2%, not 2% of 25%). Of the 5% to be allocated to the smallest municipality, one-half of 1% shall be used to establish a pension and retirement fund for its policemen and firemen (i.e. a full one-half of 1%, not one-half of 1% of the 5%). The above-mentioned formula for distribution of any monies remaining after track expenses are paid shall not be changed for the first four years after this act becomes effective. At the end of such four-year period the recipients of such funds and the commission acting jointly, may prescribe a different distribution formula. For such purpose each recipient shall be entitled to one vote and the commission shall be entitled to cast one vote, except that in case of a tie the commission may cast a second vote in order to break the tie.

Section 19. The provisions of this act shall not apply to the running of races conducted by any state fair association or non-profit organization conducting a running or county fair association which holds not more than one meeting annually and which restricts such annual meeting to three days or less.

Section 20. Any corporation, association or person who directly or indirectly holds any dog race without having procured a license as prescribed in this act, shall be guilty of a misdemeanor. Any person wagering upon the results of such a race, except in the pari-mutuel or mutuel method of wagering when the same is conducted by a licensee and upon the grounds or enclosure of said licensee, shall be guilty of a misdemeanor. Any corporation, organization, association or person who violates any provisions of this act, for which a penalty is not expressly provided shall be guilty of a misdemeanor. Upon conviction of any of the above misdemeanors in a court of competent jurisdiction,

the penalty shall be a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), or by imprisonment of not less than five days nor more than six months, or both, such fine and imprisonment to be in the discretion of the court.

Section 21. No person who engages in the practice of professional gambling on dog races, or in the practice of making gambling or wagering books on such races, or who knowingly takes any part in such practices, shall be eligible as an applicant for any license or permit to operate a race track or a race meeting under the provisions of this act, or to be connected therewith in any capacity; and any association or corporation which has as an officer, director, stockholder, executive or employs any person who engages in such practices shall likewise be ineligible as a licensee, and the commission is hereby empowered to inquire into such matters in entertaining any such applications and otherwise in administering this act.

Section 22. Any person who shall influence or have any understanding or connivance with any owner, groom, or other person associated with or interested in any kennel, dog, or race in which any dog participates, to prearrange or predetermine the results of any such race, or any person who shall stimulate or depress a dog for the purpose of affecting the results of a race, shall be guilty of a felony and upon conviction thereof, shall be imprisoned in the state prison for not less than one year nor more than ten years, or shall be fined not less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00) or both, in this discretion of the court.

Section 23. It shall be unlawful for any person to transmit or communicate to another by any means whatsoever the results, changing odds, track conditions, or any other information relating to any dog race from any race track in the county, between the period of time beginning one hour prior to the first race of any day and ending thirty minutes after the posting of the official results of each race, as to that particular race, except that this period may be reduced to permit the transmitting of the results of the last race each day not sooner than fifteen minutes after the official posting of such results. Provided, however, that the commission may, by rule, permit the immediate transmission by radio, television, or press wire of any pertinent information concerning feature races.

It shall be unlawful for any person to transmit by any means whatsoever racing information to any other person, or to relay the same to any other person by word of mouth, by signal, or by use of telephone, telegraph, radio or any other means, when the information is knowingly used or intended to be used for illegal gambling purposes, or in furtherance of such gambling purposes.

Any person violating the provisions of this section shall be guilty of a felony and, upon conviction, shall be imprisoned in the state penitentiary for not less than one year nor more than ten years, or shall be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000.00), or both, in the discretion of the court.

Section 24. The county commission shall call and provide for holding a referendum for the purpose of determining if this act shall become operative. The referendum shall be held on the first Tuesday after the first thirty days from the date on which this bill becomes law, and shall be advertised, held, conducted and the results thereof canvassed in the manner provided by law for advertising, holding, and canvassing county bond elections. The question to be voted on shall be

stated on the ballots or voting machine tabs substantially as follows: "Do you favor the creation of a county racing commission to regulate licensing and supervision of dog racing and wagering thereon as provided in Act No. _____ approved _____ 19____?". If the majority of the votes cast in the referendum are "Yes", dog racing shall be legal in the county and this act shall become operative therein; if the majority of the votes cast in the election are "No", this act shall have no further effect. The probate judge of the county shall certify the results of the referendum to the secretary of state of Alabama within 30 days after the election returns are canvassed.

Section 25. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 26. All laws or parts of laws which conflict with this act are hereby repealed.

Section 27. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Andrews, Carothers, Clark, Coburn, Cooper, Crawford, Falkenburg, Gafford, Goodwin, Harris, Higginbotham, Hines, Holmes, Johnson, Johnstone, Kennedy, Kinsey, Lee, Leonard, McCluskey, McMillan, McNair, McNees, Manley, Owens, Plaster, Reed, Robertson, Sandusky, Sasser, Teague, Trammell, Warren, Weeks, Whatley, Williams and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 247, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.: Andrews, Clark, Coburn, Cooper, Falkenburg, Goodwin, Harris, Hines, Holmes, Johnson, Kennedy, Kinsey, Lee, McCluskey, McMillan, McNees, Manley, Plaster, Reed, Robertson, Sasser, Smith (J), Weeks and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 232. Relating to Tuscaloosa County; to amend further Act No. 56, H. 285, Regular Session 1953 (Acts of 1953, p. 76) an act levying additional privilege or license taxes in Tuscaloosa County, so as to exempt tangible personal property purchased outside said county from the use tax levy.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Falkenburg, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

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And the bill:

H. 96. (With Substitute): To provide that any person in this state at the arrival at the age of eighteen years shall be relieved of their disability of minority.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide that any person in this state at the arrival at the age of eighteen years shall be relieved of their disabilities of minority.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person in this state at the arrival at the age of eighteen years shall be relieved of their disabilities of minority; and thereafter shall have the same legal rights and abilities as persons over twenty-one years age. No law of this state shall discriminate for or against any person between and including the ages of eighteen and twenty-one years solely on the basis of age.

Section 2. This act shall also apply to any person who arrived at the age of eighteen, nineteen, and twenty years before the effective date of this act but shall not abrogate any defense or abridge any remedy available to him prior to such date.

Section 3. All laws or parts of laws which read under the age of twenty-one years hereafter shall read under the age of eighteen years. Wherever the words under the age of twenty-one years appear

in any law limiting the legal rights and abilities of persons under such age, such words shall be construed to mean under the age of eighteen years.

Section 4. All laws or parts of laws that are in conflict herewith are hereby repealed. Provided, however, nothing in this Act shall be deemed to repeal any provision of Act 335, H. 281, Third Special Session 1971 (Acts 1971, p. 4622.)

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 75; Nays 1.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Plaster, Porter, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—75

Nay: Mrs. Quarles.

—1

Mr. Lutz offered the following amendment to the bill, H. 96 as amended:

Amend House Bill No. 96 by inserting the following Section 3 and re-numbering subsequent sections accordingly:

Section 3. Notwithstanding any of the other provisions of this Act, nothing herein contained shall be construed to permit the possession or consumption by or the sale to persons under the age of twenty-one years of any alcoholic liquor, malt or brewed beverages or wine as those terms are defined by Title 29, Section 1, of the Alabama Code.

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment offered by Mr. Lutz to the bill, H. 96 as amended, was tabled.

Yeas 46; Nays 41.

Yeas:

Messrs.: Armstrong, Baker, Brindley, Burgess, Campbell, Carothers, Clark, Coburn, Cooper, Folmar, Gregg, Harrison, Hill, Hines, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, McCluskey, McNair, Manley, Merrill, Mitchem, Moore (O), Naramore, Plaster, Porter, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Sonnier, Starkey, Teague, Weeks and Wyatt.

—46

Nays:

Mr. Speaker, Albright, Andrews, Barron, Biddle, Cates, Edwards, Ford, Gafford, Greer, Hall, Harris, Higginbotham, Holley, Jackson (F), Killian,

LeFlore, Lewis, Lutz, McCulley, McMillan, McNees, Malone, Martin, Moore (W), Morris, Owens, Pegues, Quarles, Roberts, Smith (C), Smith (M), Sparks, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Whatley and White.

—41

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Starkey, Leonard, Holmes, Shelton, Campbell, Naramore, Gregg, Armstrong, Harrison, Kennedy, Hopping, Folmar, Hill, McNees, Falkenburg, Carothers, Hines, Sandusky, Weeks, Moore (O), Smith (B) and Kinsey to be shown as co-sponsors to the bill H. 96.

Mr. Cates offered the following amendment to the bill, H. 96 as amended:

Amend H. B. 96 by deleting the word on lines 22, 29, 35, and 38 which is stricken through, viz; eighteen and insert in lieu thereof the following word: nineteen

MOTION TO TABLE LOST

The motion offered by Mr. Merrill to table the amendment offered by Mr. Cates to the bill, H. 96 as amended, was lost.

Yeas 37; Nays 49.

Yeas:

Messrs.: Armstrong, Brindley, Burgess, Campbell, Clark, Coburn, Cooper, Folmar, Harrison, Hill, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, McNair, Manley, Merrill, Mitchem, Moore (O), Naramore, Plaster, Rich, Sandusky, Sasser, Shelton, Smith (B), Sonnier, Starkey, Teague, Weeks and Wyatt.

—37

Nays:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Carothers, Cates, Dial, Edwards, Falkenburg, Ford, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Jackson (F), Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Moore (W), Morris, Owens, Pegues, Quarles, Reed, Riddick, Roberts, Robertson, Smith (C), Smith (M), Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Whatley and White.

—49

The question was then on the adoption of the amendment offered by Mr. Cates to the bill, H. 96 as amended, and the amendment was adopted.

Yeas 44; Nays 42.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Carothers, Cates, Dial, Edwards, Ford, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Jackson (F), LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Martin, Moore (W), Morris, Owens, Pegues, Riddick, Roberts, Smith (M), Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Whatley and White.

—44

Nays:

Messrs.: Armstrong, Brindley, Burgess, Campbell, Clark, Coburn, Cooper, Folmar, Harrison, Hill, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, McCluskey, McNair, Manley, Merrill, Mitchem, Moore (O), Naramore, Plaster, Porter, Rich, Robertson, Sandusky, Sasser, Shelton, Smith (B), Sonnier, Starkey, Teague, Weeks and Wyatt.

—42

And the bill:

H. 96. To provide that any person in this state at the arrival at the age of eighteen years shall be relieved of their disabilities of minority.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 18.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, McCluskey, McCulley, McMillan, McNair, McNeese, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Sonnier, Starkey, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whaley and Wyatt.

—72

Nays:

Messrs.: Albright, Andrews, Barron, Gafford, Holley, Jackson (F), Lockett, Lutz, Malone, Moore (O), Pegues, Quarles, Smith (C), Smith (M), Sparks, Taylor, Trammell and White.

—18

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolution hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:23 A. M. On May 29, 1975.

H. J. R. 4.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Mr. Manley, the House adjourned until 1:00 o'clock p. m., Tuesday, June 3, 1975.

FOURTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, June 3, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Emory Green, Pastor, Dalraida Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—105

A quorum was present.

MOTION TO SUSPEND RULES LOST

The motion of Mr. Crowe to suspend the rules in order to dispense with the reading at length of the Journal of the House for the Third Legislative Day was lost, lacking a four-fifths vote.

READING OF JOURNAL

The Speaker directed the Clerk to read the Journal of the House for the Third Legislative Day, and the reading commenced.

RECESS

On motion of Mr. Crowe, the House recessed for thirty minutes.

HOUSE RECONVENED

The House Reconvened. The Speaker called the House to order.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Sasser, the rules were suspended in order to dispense with the reading at length of the Journal of the House for the Third Legislative Day.

Yeas 70; Nays 12.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Crawford, Cross, Crowe, Dial, Ford,

Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Taylor, Teague, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—70

Nays:

Messrs.: Cooper, Harrison, Hilliard, Jackson (R), Lewis, McNair, Porter, Quarles, Reed, Smith (J), Smith (M) and Tucker.

—12

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the third legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the third legislative day was approved.

BILLS ON SECOND READING

Mr. Malone, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 224. (With Amendment): To amend Act No. 430, H. 222, Regular Session 1953 (Acts 1953 p. 535), which provides that the right of a person to work shall not be denied or abridged on account of membership or non-membership in any labor union or organization, so as to allow the making of agency shop contracts requiring non-union employees to pay an amount equal to union dues to the union representing like employees.

Mr. Kinsey, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 296. To amend Section 170 of Act No. 407 of the Regular Session 1971, approved August 25, 1971, entitled, "An Act to provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations; and the admission of foreign alien insurance companies, societies, and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies and associations organized, existing, or authorized under this Act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or

affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violations of this Act; to repeal certain laws and Acts, and for other purposes;" so as to authorize the Commissioner of Insurance to issue licenses to nonresident persons in cases where the applicant for license is sponsored to the Department of Defense to solicit life and disability insurance from military personnel of the United States on military bases of such country outside its continental limits and within the geographical limits of jurisdictions which do not regulate the solicitation of such applications for insurance on such military bases.

Mr. Kinsey, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 192. (With Amendment): To prescribe, authorize and regulate investments of life, disability, and burial insurance companies.

Mr. Kinsey, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 193. To amend Section 54 of Act No. 407, Acts of Alabama 1971, codified into Section 54, Title 28A, Code of Alabama 1940 (re-compiled 1958) by raising the capital requirements of insurance companies.

Mr. Kinsey, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 194. (With Amendments): To amend Sections 201 (2) (a) (c) (e) of Act No. 407, Acts of Alabama, 1971, which sets up standards of eligible surplus lines insurers so as to update and strengthen existing laws by raising capital requirements of authorized surplus lines insurers to \$1,500,000.00; to stop unfair discrimination in doing business with qualified surplus lines insurers; to foreclose operation in such a manner as to avoid payment of surplus lines tax.

Mr. Kinsey, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 195. To establish within the Department of Insurance a Receivership Division, to provide for the management thereof and to enumerate the duties, responsibilities and authority to be conferred thereon.

H. 196. To amend Section 525(6) of Act No. 407, Acts of Alabama 1971 which excepted all insurance companies licensed in Alabama prior to 1972 from the provision of Section 525 above which required the home office, records, and assets of domestic companies to remain in Alabama.

H. 124. To provide protection to policyholders and beneficiaries of insolvent insurers in receivership by establishing a priority of certain claims to be allowed by receivership courts so as to make policyholders and beneficiaries of such insurers preferred creditors; and to make further provision for protection of policyholders by authorizing receivers of such insurers to transfer to solvent insurers certain assets of receivership estates as consideration or as reserves for reinsurance of policies of insolvent insurers upon hearing and approval of the appropriate circuit court having jurisdiction of such case or cases; and to provide for priorities of claims among classes of policyholders and beneficiaries; and to relieve the receiver of any civil liability to creditors for acts performed pursuant to such court orders.

H. 128. To allow the Commissioner of Insurance to place an insurance company under an order of supervision; setting forth certain prohibited acts while under supervision.

Mr. Kinsey, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 69. (With Amendments): To amend Section 149 of Act 407, Acts of Alabama 1971 codified into Section 149, Title 28A, Code of Alabama 1940 (recompiled 1958) by reducing the time required to be run before action can be taken against violators violating the provisions of the Insurance Code pertaining to property and casualty agents.

Mr. Kinsey, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 70. To provide for the enforcement of rules and regulations promulgated by the Commissioner of Insurance, as provided for in Section 28 of Act 407, Acts of Alabama, 1971, codified into Section 28, Title 28A, Code of Alabama 1940 (recompiled 1958).

H. 251. To amend Section 120 and Section 158 of Act 407, H. B. 198, Regular Session, 1971, (Acts of Alabama, 1971, Volume II, Page 774), as amended, which regulates the licensing of insurance agents, by limiting the persons to whom licenses may be issued and establishing qualifications required for said persons to be issued a license.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 111. Relating to Russell County; to provide for the employment of clerks, secretaries, and clerical assistants to perform duties in the county offices located in the county courthouse and to provide for the employment of jailers for the county jail; and to provide for the salaries of all such employees.

4th Day

H. 131. To alter, rearrange and extend the boundary lines and corporate limits of cities having a population of not less than 5,550 nor more than 5,700 inhabitants that lie within counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census.

H. 290. To amend further the title and Section 1 of Act No. 394, H. 828, Regular Session 1961 (Acts 1961, p. 406), as amended, so as to further provide for deputies and assistants to the sheriff of Lee County; giving this act retroactive effect.

H. 313. To authorize and provide for a referendum in St. Clair County to determine the sentiment of the voters relative to whether the chairman of the county commission shall be elected or the judge of probate shall be ex officio a member and the chairman of the commission; and to provide for filling the chairmanship of the governing body in the manner favored by the voters of the county at such referendum.

H. 328. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Grimes in Dale County.

H. 438. Relating to Marshall County: To authorize the Jury Commission of Marshall County to meet and attend to its duties for a period of ninety days per year, and to provide and authorize for the payment of salary, compensation and expenses of members of the Jury Commission.

H. 439. Relating to Marshall County, granting the county board of education the discretionary power to set the salary of the county superintendent of education, and providing also that said superintendent shall receive any increase in salary as may be granted to the teachers of said county.

H. 440. To authorize the county commission of Marshall County to provide for the relief of Bobby Joe King for the payment of medical expenses due to bodily injuries incurred in the line of duty while a Deputy Sheriff in the Marshall County Sheriff's Department.

H. 441. Relating to the coroner's office in Franklin County; to provide for the coroner to appoint a deputy coroner; to prescribe the duties and compensation of said office; to provide for an increase in the compensation of the coroner's secretary and to repeal all conflicting statutes.

H. 487. To amend Sections 2, and 6 of Act No. 1703, H. 2502 of the 1971 Regular Session (Acts 1971, p. 2862), entitled, "An act to establish a Sumter County court of record for Sumter County, Alabama, to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure for said court; to provide a fine and forfeiture fund for said court; and to abolish the county court of Sumter County, Alabama," so as to provide an expense allowance for the judge of said court, and to increase the jurisdictional amount of said court.

H. 514. Relating to Tuscaloosa County; to provide for a uniform compensation schedule for all law enforcement officers in the sheriff's department in said county.

H. 274. Relating to Limestone County; to provide further for the salary and meetings of the board of education.

H. 275. Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent

federal decennial census; to provide for paying the expenses of deputy sheriffs attending any school or training program where their expenses are not otherwise provided for by law.

H. 276. Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to authorize the county governing body of such counties to appropriate public funds to the use of rescue squads incorporated under the nonprofit corporation laws of this state.

H. 277. To provide in all counties having populations of not less than 39,500 nor more than 41,750 according to the most recent federal decennial census, for the rate of publication of any quarterly or annual report published by the county governing body.

H. 278. Relating to counties having populations of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to limit the liability of sheriffs for the acts of his deputies where he does not participate or where they do not act under his direction and control; to authorize the employment of an attorney out of county funds to advise and represent the sheriff.

H. 279. Relating to Limestone County; to empower the several district commissioners on the county commission or other like governing body to authorize the opening of any grave within their district for the interment services of deceased individuals and to repeal all conflicting statutes.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 280. To provide further for the compensations and expense allowances of certain officers of Limestone County.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 462. To provide an expense allowance for each member of the county commission of all counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census, which shall supercede any provision heretofore made for expense allowances of such commissions; and providing that the provisions of this Act shall have a retroactive effect.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Sasser (With Notice and Proof):

H. 528. To alter, rearrange and extend the boundary lines and corporate limits of the city of Ozark in Dale County.

Local Legislation No. 1.

Notice and Proof H. 528:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF DALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the city of Ozark in Dale County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the city of Ozark are hereby altered, rearranged and extended so as to include within the corporate limits of the city, in addition to the area now embraced within such corporate limits of the city, a tract of land more particularly described as follows:

The south half of Section 8; The west half of the SW $\frac{1}{4}$ of Section 9; The north half of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 17, all in T5N, R24E in Dale County, Alabama and containing 520 acres, more or less.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joseph H. Adams, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Southern Star, a newspaper of general circulation published in Dale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 7, 14, 21, and 28, all in the year 1975.

JOSEPH H. ADAMS.

Sworn to and subscribed before me June 2, 1975.

IRENE MATHIS,
Notary.

By Messrs. Merrill, Burgess, Quarles and Shelton:

H. 529. To amend Article X, Section 10.1 of Act No. 404, S. 430, Regular Session 1953 (Acts 1953, p. 472) providing for the Council-Manager form of government in cities having a population of not less than 30,000 nor more than 33,000 according to the most recent federal decennial census, so as to provide that the question of the abandonment of the Council-Manager form of government may not be re-submitted within two years after any other election thereof.

Local Legislation No. 1.

By Messrs. Merrill, Shelton, Quarles and Burgess (With Notice and Proof):

H. 530. Relating to Calhoun County; to relieve and exempt the license commissioner from personal liability for errors, mistakes and omissions of employees serving under him.

Local Legislation No. 1.

Notice and Proof H. 530:

STATE OF ALABAMA
COUNTY OF CALHOUN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Calhoun County; to relieve and exempt the license commissioner from personal liability for errors, mistakes and omissions of employees serving under him.

Be It Enacted by the Legislature of Alabama:

Section 1. The license commissioner in Calhoun County shall not be personally liable to penalty, fine or damages arising or caused by the error, mistake or omission of any of his employees, when when such error, mistake or omission was caused without his personal knowledge. It shall be the duty of the license commissioner to have such error, mistake or omission corrected promptly when brought to his attention. The license commissioner shall, however, continue to be liable for any and all misuse or misappropriations of funds by any such clerks or assistants to the same extent and under the same conditions and penalties that such license commissioners are liable therefor pursuant to law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CALHOUN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Phillip Sanguinetti, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was President of the The Anniston Star, a newspaper of general circulation published in Calhoun County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 16, May 19, May 26, and June 2, all in the year 1975.

PHILLIP SANGUINETTI.

Sworn to and subscribed before me June 2, 1975.

LOLA J. BRIGHT,
Notary Public.

REGULAR SESSION
4th Day

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By Messrs. Ford, Hall, Starkey, Killian, Rich, Taylor, Smith (J), Shelton, Weeks, Sparks and Teague:

H. 531. To further provide for the authority of police officers appointed pursuant to the provisions of Section 500 of Title 52 of the Code of Alabama of 1940, as amended, and Act No. 1125, adopted at the 1969 Regular Session of the Legislature of Alabama.

Judiciary.

By Mr. Gafford:

H. 532. Proposing an amendment to Article 4, Section 106 of the Constitution of Alabama to reduce the time required for publication of notice of local legislation, to legalize as a statewide act, any bill that uses population brackets to classify the county or municipality to which the act applies and to dispense with the requirement of spreading notice and proof of local legislation on the journals of each house by providing that the Clerk of the House or the Secretary of the Senate shall merely certify in the appropriate journal that notice and proof was attached to the local legislation and is attached as a matter of public record to the original copy of the bill filed in the Department of Archives and History.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Waggoner:

H. 533. To authorize the county governing body of all counties having a population of 600,000 or more according to the last or any federal decennial census to provide for the appointment of a County Pardon and Parole Board; to provide for the conditional release of prisoners; to provide for the return to the County Jail of any prisoner who violates the condition of his release; and repeal all conflicting laws.

Ways and Means.

By Messrs. Kinsey, Crowe, Robertson, Naramore, Carter, Plaster, Williams, Callahan, Sonnier, Coburn, Johnstone, Quarles, Sandusky, Trammell, Malone, Teague:

H. 534. To provide for the expanded coverage of the named beneficiary and surviving spouse of a member of the Employees' Retirement System of Alabama employed as a state policeman upon the death of such member prior to retirement; to provide for a reduction in the number of years of creditable service requisite to such coverage from 25 years to 15 years, and, provides an increase in benefits; also provides for necessary and proper appropriations.

Ways and Means.

By Messrs. Kinsey, Teague, McMillan:

H. 535. To amend Section 1 of Act No. 269, S. 308, 1967 Regular Session (Acts of 1967, p. 775; now appearing in Code of Alabama, Re-compiled 1958, Title 55, Section 493 (1), entitled "To authorize the director of the bureau of publicity and information to enter into certain contracts with and spend funds in support of the southern travel directors council"; so as to increase the amount that the director may spend for the State's tourist advertising programs.

Ways and Means.

By Messrs. Johnson, Owens, Manley, Smith (C), Falkenburg, Robertson, Smith (B):

H. 536. To provide the means by which the mental health authorities in this state may request and obtain the return of persons committed to a mental facility in this state who have eloped into another jurisdiction within the United States and by which they may return persons committed to a mental facility in another state whose return is requested by the mental health authority of that state.

Health.

By Mr. Owens:

H. 537. To amend Section 458, Title 55, 1940 Code of Alabama, as amended, to permit a retired State Policeman to accept employment with any Department or Agency of the State government of Alabama without being required to become or remain a member of the state retirement system as a condition of their employment, or be denied retirement benefits otherwise earned as a state policeman during such term of employment in a classified position other than state policeman.

State Administration.

By Messrs. Andrews, Hall, Armstrong, Waggoner, Quarles, Cooper, Turnham, Malone, McCulley, Kinsey, Robertson, Johnson, Harrison, Roberts, Martin, Leonard, Smith (B), Ford, Kelley, Clark, Jolly, Riddick, LeFlore, Kennedy, Crowe, Morris, Plaster, Gafford, Merrill, Smith (M), Hopping, Pegues, Holmes, Teague, Reed, Weeks, Albright, Moore (W), Naramore, Trammell, McNair, Lewis, Howard, White, Brindley, Taylor, Johnstone, Hill, McNees, Moore (O), Biddle, Falkenburg, McCorquodale, Sparks, Owens, Sandusky, Folmar, Venable, Cates, Carothers, McCluskey, Killian, Mitchem, Whatley, Sasser, Holley, Lutz, Smith (C), Manley, Edwards and Lee:

H. 538. To make appropriations for support and maintenance of the Birmingham Institute of Neurological Development located in Jefferson County.

Ways and Means.

By Messrs. Taylor, Ford, Rich, Brindley and Killian:

H. 539. To amend Act No. 1407, S. 414, 1971 Regular Session [Acts of 1971, p. 2378]; now appearing in Code of Alabama Recompiled 1958, Title 22, Sections 258(25)-(60)], entitled "An Act To provide a Uniform Alabama Controlled Substances Act for preventing drug abuse and drug dependence, to standardize all laws in this state to be in conformity with the new Federal Comprehensive Drug Abuse Prevention and Control Act of 1970 and to repeal existing state statutes in conflict," so as to include penalties for conspiracy and attempt to violate the act.

Judiciary.

By Mr. Owens:

H. 540. To regulate further vehicles using the highways of the State; providing for and regulating the compulsory periodic inspection of motor vehicles, trailers, semi-trailers, pole-trailers and mobile homes; requiring the adjustment, correction or repair of certain parts or equipment of such vehicles if such inspection discloses the necessity therefor; providing for the designation and regulation of inspection stations and the appointment of state inspectors; prescribing the fee for inspecting a vehicle and for appointment as an inspection station; providing for the collection and use of such fees; prescribing penalties for violations of the

act; authorizing and providing for the administration and enforcement of this act by the director of public safety; providing appropriation therefor; and repealing Act No. 542, H. 290 of the Regular Session of 1943 (Gen. Acts of 1943, p. 522) which provides for municipal vehicles testing stations.

Highway Safety.

By Messrs. Taylor, Ford, Rich, Brindley and Killian:

H. 541. To amend Section 213 of Act No. 1407, S. 414, 1971 Regular Session [Acts 1971, p. 2391; now appearing in Code of Alabama Recompiled 1958, Title 22, Section 258 (38)], entitled "An Act To provide a Uniform Alabama Controlled Substances Act for preventing drug abuse and drug dependence, to standardize all laws in this state to be in conformity with the new Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, and to repeal existing state statutes in conflict," relative to distribution of annually revised and republished schedules of controlled substances.

Judiciary.

By Messrs. Taylor, Ford, Rich, Brindley and Killian:

H. 542. To amend Section 403 of Act No. 1407, S. 414, 1971 Regular Session [Acts 1971, p. 2396; now appearing in Code of Alabama Recompiled 1958, Title 22, Section 258 (49)], entitled "An Act To provide a Uniform Alabama Controlled Substances Act for preventing drug abuse and drug dependence, to standardize all laws in this state to be in conformity with the new Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, and to repeal existing state statutes in conflict," relative to counterfeit substances, and materials and apparatus used to manufacture controlled substances.

Judiciary.

By Messrs. Taylor, Ford, Rich and Brindley:

H. 543. To amend Section 504 of Act No. 1407, S. 414, 1971 Regular Session [Acts 1971, p. 2398; now appearing in Code of Alabama Recompiled 1958, Title 22, Section 258 (57)], entitled "An Act To provide a Uniform Alabama Controlled Substances Act for preventing drug abuse and drug dependence, to standardize all laws in this state to be in conformity with the new Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, and to repeal existing state statutes in conflict," so as to provide for forfeiture of money or other personal property used in violation of said act.

Judiciary.

By Messrs. Taylor, Ford, Rich, Brindley and Killian:

H. 544. To amend Section 402 (3) of Act No. 1407, S. 414, 1971 Regular Session [Acts of 1971, p. 2396; now appearing in Code of Alabama Recompiled 1958, Title 22, Section 258 (48) (3)], entitled "An Act To provide a Uniform Alabama Controlled Substances Act for preventing drug abuse and drug dependence, to standardize all laws in this state to be in conformity with the new Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, and to repeal existing state statutes in conflict," so as to provide that first offense failure to keep required documents and records shall be punishable to the same degree as subsequent violations.

Judiciary.

By Messrs. Mitchem, Turnham, Smith (M), Baker, Higginbotham, Warren, Crawford, Carothers, McCorquodale, Sasser, Whatley, Cates,

Smith (C), Smith (J), Plaster, Sonnier, Dial, Brindley, Rich, Taylor, Folmar, Ford, Sandusky, Callahan, Campbell, Weeks, Owens, Jackson (F), Holmes, Holley, Reed, Quarles, Andrews and Kelley:

H. 545. To make an appropriation of \$2,000,000 from funds in the State Treasury to the use of the Department of Agriculture and Industries for the purpose of constructing and equipping a seed technology center at Auburn University and a foundation seed processing facility at Headland, Alabama; to empower the Commissioner of Agriculture and Industries as an awarding authority to receive and expend the funds appropriated hereby; to provide that the Commissioner may prepare plans and specifications for construction of the facilities and enter into contracts for their construction; to provide that the Commissioner may enter into agreements with an association authorized by Act 404, Acts of Alabama, Regular Session, 1945, as amended, to operate and maintain the facilities; to create a policy committee and to provide guidance and establish policy for the implementation of an Alabama seed improvement program.

Ways and Means.

By Messrs. Mitchem, Turnham, Smith (M), Baker, Higginbotham, Warren, Crawford, Carothers, McCorquodale, Sasser, Whatley, Smith (C), Cates, Smith (J), Plaster, Sonnier, Dial, Brindley, Rich, Taylor, Folmar, Ford, Callahan, Sandusky, Campbell, Weeks, Owens, Jackson (F), Holmes, Holley, Reed, Quarles, Andrews and Kelley:

H. 546. To amend Act 404, Acts of Alabama, Regular Session, 1945, page 643, to provide that an association or associations of farmers engaged in multiplying and certifying seed or plant parts of a superior variety or strain and in increasing breeder seed by producing, processing and distributing foundation seed, may adopt symbols for such seed and register them with the Commissioner of Agriculture and Industries; to make it unlawful for any person, firm, association or corporation to sell, offer for sale, or otherwise distribute or market foundation seed for any one specified crop, other than the association which registered the symbol or symbols thereof with the State Commissioner of Agriculture and Industries; to authorize and direct the Department of Agriculture and Industries, the Alabama Cooperative Extension Service, and the Alabama Agricultural Experiment Station, to cooperate and coordinate with such associations of farmers to implement and conduct a seed improvement program, and to conduct educational programs stressing the benefits of the use of superior seed varieties.

Agriculture.

By Messrs. Mitchem and Whatley:

H. 547. To further regulate the sale of livestock at public livestock auction markets by requiring the payment of the purchase price of livestock purchased at such markets on the day of purchase, to provide acceptable methods of payment for livestock purchased at public livestock markets; to require that such payments be deposited in a custodial bank account within a specified period of time; to require the registration of persons, other than bona fide farmers, who shall purchase livestock at a public livestock market; to authorize the adoption of rules and regulations to effectuate the purpose of this Act; to provide a penalty for violations of the Act; and to repeal conflicting laws.

Agriculture.

By Messrs. Mitchem and Whatley:

H. 548. Relating to public warehouses: to amend Section 570 of Title 2 of the Code of Alabama 1940 which relates to the annual filing

fee to be paid to the Department of Agriculture and Industries by persons who operate a public warehouse; to require an annual filing fee of fifteen dollars to be paid by persons operating a public warehouse; to prescribe the effective date of this Act.

Ways and Means.

By Messrs. Mitchem and Whatley:

H. 549. Relating to persons engaged in the business of weighing for hire, known as weighmasters: to amend Section 630 of Title 2, Code of Alabama 1940, to increase the annual permit fee required to be paid to the Commissioner of Agriculture and Industries by persons engaged in the business of weighing for hire and designated as weighmaster; increase said fee to five dollars; to prescribe the effective date of this Act.

Ways and Means.

By Mr. Mitchem:

H. 550. Relating to persons engaged in the business of buying and selling livestock required to be licensed and bonded; to amend Section 3 of Act No. 568, S. 201, Legislature of 1969, approved August 29, 1969 (Acts of 1969, Vol. II, p. 1049) by requiring persons engaged in the business of buying and selling livestock as a livestock dealer to pay an annual license fee of \$20.00; to provide for the effective date of this Act.

Ways and Means.

By Messrs. Mitchem and Whatley:

H. 551. To regulate the operation of livestock markets in Alabama by requiring such markets to procure a permit issued by the Commissioner of Agriculture and Industries and to be bonded for the payment of their obligations; to authorize the revocation or cancellation of such permit under certain conditions together with the amount of the permit fee and the amount of bonds required; to require livestock markets to maintain physical standards of construction for safe and sanitary keeping and handling of livestock to prevent the spread of livestock diseases; to impose requirements or prohibitions with respect to the sale of livestock at public auction or otherwise; to require livestock markets to keep records of the receipt and sale of livestock with respect to the identity of livestock and furnish bills of sale to buyers; to authorize the adoption of rules and regulations to carry out the provisions of this Act; to require livestock markets to carry fire and windstorm insurance; to prescribe a penalty for violations including injunctive proceedings; and to repeal conflicting laws and fix a date on which said Act shall become effective.

Agriculture.

By Messrs. Mitchem and Whatley:

H. 552. Relating to the weighing of livestock at public livestock markets which requires persons operating scales to obtain an annual permit from the Commissioner of Agriculture and Industries and to be bonded: to amend Section 2 of Act No. 169, H. 238, Legislature of 1959, approved September 23, 1959 (Acts of 1959, Vol. 1, p. 693) by fixing the amount of the annual permit fee to be paid by persons who operate scales upon which livestock are weighed at livestock markets which amount shall be five dollars; to prescribe the effective date of this Act.

Ways and Means.

By Messrs. Smith (B), Gregg, Riddick, Roberts, Carter and White:

H. 553. To amend Section 5 of Act No. 266, Acts of Alabama, 1961 Special Session, p. 2282, so as to provide what shall constitute prima facie evidence of spear fishing.

Conservation.

By Messrs. Armstrong, Boles, Waggoner, Hilliard, Trammell and Jolly:

H. 554. To amend Sections 5, 7, 9, and 10 of Act No. 1163, H. 1829 of the Regular Session of 1973 (Acts 1973, p. 1948) entitled, An Act Pursuant to constitutional amendment CCCXVII ratified on January 27, 1972, this bill creates the Judicial Retirement Fund, and provides for the administration and supervision thereof; provides for the qualifications for retirement benefits for certain judicial officers; provides for the payment of retirement and disability benefits from the fund to qualified individuals; and provides for appropriations to carry out the provisions of the Act, so as to provide the same benefits for judges who have been appointed since the enactment of said Act, as are provided for judges who were in office at the time of its enactment.

Ways and Means.

By Messrs. Falkenburg, Waggoner, Biddle, Jolly, Andrews, Cates, Leonard, Trammell, Moore (O), White, Gafford, McNees, McNair, Hall, Hopping, Robertson, Malone, Sonnier, Hines and Harris:

H. 555. To amend Code of Alabama 1940, Title 45, Section 144, as amended, providing a daily prisoner meal allowance, so as to provide for an increase in such allowance.

Ways and Means.

By Messrs. Smith (C), Clark, and Moore (W):

H. 556. To amend Section 6, as amended, and Section 7 of Act No. 27, S. 30, Regular Session 1949 [Acts 1949, p. 39-42 now appearing in Code of Alabama, Recompiled 1958, Title 55, Sections 133 (1) and 140 (1)] entitled "An Act To prescribe further regulations governing the publication of the acts and journals of the Legislature; imposing additional duties upon the Secretary of the Senate, the Clerk of the House, and Legislative Reference Service, and prescribing penalties for neglect of duty; superseding Sections 125, 126, 127, 129, 130, 131, 133, 134, 140, 141, 142, 143, and 144 of Title 55 of the Code of Alabama (1940)" so as to change certain procedures relating to the printing, publication and distribution of the acts and journals of the legislature and to repeal conflicting statutes.

State Administration.

By Messrs. Roberts, Starkey and Carter:

H. 557. To amend Section 44(2) of Title 8, Code of Alabama 1940, Recompiled 1958, so as to make it unlawful for any person to back date a hunting or fishing license.

Conservation.

By Messrs. Pegues and Campbell:

H. 558. To amend and reenact Code of Alabama 1940, Title 52, Section 361, as amended, to provide in subsections (4) and (5) for two additional members of the state tenure commission; and to renumber all the subsections.

Education.

By Messrs. Pegues and Campbell:

H. 559. To amend and reenact Code of Alabama 1940, Title 52, Section 361, as amended, to provide in subsection (4) for the designation of the state superintendent of education as ex officio secretary of the tenure commission; and to renumber all the subsections.

Education.

By Messrs. McMillan, Carter, Smith (B), McCulley, Baker, Barron, Cross, Warren, McNair, Glass, Wyatt, Malone, Folmar, Venable, Carothers, Smith (C), Whatley, Kinsey, Teague, Sonnier, Crowe and Owens:

H. 560. To authorize the County Commission or like governing body of each of the several Counties to regulate the minimum size of lots, the planning and construction of all public streets, public roads and drainage structures and require proper placement of public utilities located or to be located in subdivisions of land situated outside the corporate limits of any municipality in such county provided that such placement of public utilities shall not be inconsistent with the Southern Building Code and laws and regulations of Federal and State regulatory agencies.

Local Government.

By Messrs. Roberts, Cross, Starkey, Naramore, Robertson, Whatley, Martin, Carothers and Carter:

H. 561. To exempt from civil liability members of organized volunteer fire departments who make efforts to preserve and protect any building and certain other property from fire.

Judiciary.

By Messrs. Kelley, Starkey, Holley, Carter and Hines:

H. 562. To amend Act 1515, Acts of Alabama, 1971 Regular Session, p. 2629, pertaining to the issuance of annual resident state and county hunting licenses so as to clarify when a hunting license is not required, and by adding thereto as Section 3 thereof the penalty for hunting without the required license.

Conservation.

By Mr. Riddick:

H. 563. To require any doctor licensed to practice medicine in this state to report to a peace officer of competent jurisdiction the treatment of any gunshot wound or the treatment of a wound inflicted by a knife or other sharp instrument wielded by another person; and providing immunity from suit for complying with the provisions of this act; and prescribing penalties.

Health.

By Messrs. Sandusky, Sonnier, McMillan, Kinsey, Hines, Waggoner, Biddle, Manley, Teague, Malone, LeFlore, Cooper, Kennedy, Lee, Brindley and Crowe:

H. 564. To provide for a system of uniformity of motor vehicle color combination, badges and uniforms for the sheriffs and deputy sheriffs of the various counties within the state; simulation prohibited; providing for penalties.

State Administration.

By Messrs. Sandusky, Sonnier, LeFlore, Cooper and Mitchem:

H. 565. To provide further regulation for the setting of the minimum retail price of milk.

Agriculture.

By Messrs. Sandusky, Sonnier, LeFlore, Cooper and Malone:

H. 566. To authorize the sheriff of any county having a population of not more than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint a secretary, to provide for the appointment of such secretary, the term of office of such secretary, to provide for the salary of such secretary, and the method of payment of such secretary.

Local Legislation No. 3.

By Mr. Callahan:

H. 567. To repeal and void all exemptions from any tax heretofore granted by any statute of this state on farm products, fertilizer, farm machinery and products used on or produced on a farm in this state.

Ways and Means.

By Mr. Callahan:

H. 568. Relating to counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census, providing that any property held for any county or municipal retirement system in such counties shall not be deemed to be abandoned property and shall not escheat to the state, but shall revert to the county or municipality in which the retirement system exists.

Ways and Means.

By Mr. Callahan:

H. 569. To amend Section 110 (7) of Title 8, Code of Alabama 1940, as amended, pertaining to wildlife management areas, so as to require impoundment of dogs only on those management areas having a building or enclosure suitable for impoundment.

Conservation.

By Mr. Callahan:

H. 570. To amend further Section 1 of Act No. 440, S. 186, Special Session 1966 (Acts 1966, p. 597) relating to the sheriff's department and counties having populations of not less than 300,000 nor more than 500,000.

Local Legislation No. 3.

By Mr. Callahan:

H. 571. Pursuant to provisions of Section 155, Article VI of the Constitution of Alabama as amended (Section 6.16 of Amendment CCCXXVIII, proclaimed December 27, 1973), this bill creates and provides for supernumerary-retired probate judges in counties having a population of 300,000 and over, according to the last or any subsequent federal census, similar to and equal with provisions of law for circuit judges in such counties, and provides for continuation of service; creates and establishes the probate judges retirement fund in such counties for the purpose of providing for the payment of retirement and disability benefits for such judicial officers; prescribing the qualifications, term,

duties, powers, authority, compensation and benefits of any such county supernumerary-retired probate judge of such counties; providing for payment of contributions into such fund by any eligible probate judge and for payments out of the county general fund or from fees and commissions collected by the probate court and paid into the county general fund. It provides for carrying out the provisions of this Act, and regulates the administration and supervision thereof.

Local Legislation No. 3.

By Mr. Callahan:

H. 572. To provide that any county or municipality within this state shall have the authority to assist any other county or municipality within this state through assignment of firemen, policemen, or other law enforcement officers, on a voluntary basis, for undercover work to suppress criminal activities; to provide that any such county or municipality may pay all or any part of the hospital bills, doctors' bills, medical expenses and other related expenses incurred by any firemen, policemen, or other law enforcement officers in the performance of their duty in the county or municipality by which he is employed or in any other place either in or out of this state.

Local Government.

By Mr. Callahan:

H. 573. To authorize the sheriff of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint an administrative assistant, to provide for the appointment for such administrative assistant, the term of office of such administrative assistant, to provide for the salary of such administrative assistant, and the method of payment of such salary.

Local Legislation No. 3.

By Mr. Callahan:

H. 574. To amend Act No. 2441, of the 1971 Legislature (Acts 1971, page 3903), entitled "An Act To provide that the governing body of any municipality having a population of not less than 175,000 nor more than 300,000 according to the most recent federal decennial census, may appoint the chief of police of such municipality in event of a vacancy, from the number of officers of the police force who hold the rank of captain or above, without regard to any civil service or personnel board rules or regulations concerning such appointment and providing that such governing body may fix the compensation of said chief of police, and his status in any civil service system in such municipality.

Local Legislation No. 3.

By Mr. Callahan:

H. 575. To amend Section 57 of Title 8, Code of Alabama 1940, which relates to the appointment of deputy game and fish wardens, so as to require a fee of Fifty Dollars (\$50.00) for such appointments.

Conservation.

By Messrs. Biddle, Crowe, Owens, Manley and McCorquodale:

H. 576. To make supplemental appropriations from the State General Fund to the Armory Commission Fund for the fiscal year ending September 30, 1975.

Ways and Means.

By Messrs. Biddle, Crowe, Manley and McCorquodale:

H. 577. To make supplemental appropriations from the State General Fund to the Lieutenant Governor's Office for the fiscal year ending September 30, 1975.

Ways and Means.

By Messrs. Manley, Hill and Killian:

H. 578. To further amend Section 392, Title 51, Code of Alabama of 1940 as heretofore amended to exempt from taxation from income (including capital gains) of certain employee benefit trusts forming part of a stock bonus, pension or profit-sharing plan which constitutes a qualified trust and of retirement income trusts and custodial accounts, all under federal income tax law as amended by The Employee Retirement Income Security Act of 1974 for taxable years of such trusts and accounts ending on and after the effective date of this Act, to tax distributions from such retirement income trusts and custodial accounts, and to tax rollover distributions only as provided by federal income tax law as so amended.

Ways and Means.

By Messrs. Manley, Hill and Killian:

H. 579. To further amend Section 402, Title 51, Code of Alabama of 1940 as heretofore amended to allow as a deduction from net income for income tax purposes contributions made by corporations (including professional corporations and professional associations) under a stock bonus, pension, profit-sharing or annuity plan which constitutes a qualified plan under federal income tax law as amended by the Employee Retirement Income Security Act of 1974 for taxable years of such corporations ending on and after the effective date of this Act to the extent such deductions are permitted by federal income tax law as so amended.

Ways and Means.

By Messrs. Manley, Hill and Killian:

H. 580. To further amend Section 385, Title 51, Code of Alabama of 1940 as heretofore amended to allow as a deduction from net income for income tax purposes contributions made by individuals for themselves and others under a stock bonus, pension, profit-sharing or annuity plan which constitutes a qualified plan, and for themselves to an individual retirement account, annuity or bond, all under federal income tax law as amended by the Employee Retirement Income Security Act of 1974, for taxable years of individuals making the contributions ending on and after the effective date of this Act to the extent such deductions are permitted by federal income tax law as so amended.

Ways and Means.

By Mr. McNees:

H. 581. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census, providing that the circuit court bailiffs of such counties shall receive ten dollars (\$10) per day for each day of service.

Local Legislation No. 1.

By Mr. McNees:

H. 582. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent

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federal decennial census, providing that persons serving on jury duty in such counties shall receive \$10.00 per day for such service, in addition to mileage of 10¢ per mile, and repealing all conflicting laws.

Local Legislation No. 1.

By Messrs. Boles, Porter, Carter, Biddle, Jolly, Hall, Moore (W), Tucker, Harrison, Malone, Johnstone, Cooper, Sonnier, Barron, Wyatt, McCulley, Holmes, Williams, Crawford, Baker, Holley, Venable, Lewis, Kinsey, Harris, Hines, Sparks, Martin, Weeks, Greer, Coburn, Naramore and Albright:

H. 583. To further amend Title 51, Section 388 of the Code of Alabama, 1940, as amended, to increase the amount allowed for income tax exemptions and deductions, and to provide for double exemptions for persons over the age of 65.

Ways and Means.

By Messrs. Reed, Drake, Quarles, Turnham, McNair, Crowe, Lewis, Porter, Harrison, Holmes, Cooper, Johnstone, Sandusky, Teague, Hilliard, Hopping, White, Martin, Naramore, Callahan, Kinsey, Sonnier, Harris, Smith (C), Smith (J), Baker, Higginbotham, Whatley, Crawford, Edwards, Dial, Lockett, McCluskey, Holley, Albright, Hines, McMillan, Glass, Owens, Jackson (F), Burgess, Weeks, McNees, Howard, Robertson, Clark, Manley, Tucker, Sasser, Cross, Carter, Roberts, Killian, Smith (B), Andrews, Gafford, Kennedy, Armstrong, Pegues, Campbell, Greer, Carothers and Jackson (R):

H. 584. To make appropriations for the support and maintenance of the Tuskegee Institute located in Macon County for the next two fiscal years.

Ways and Means.

By Messrs. Reed, Drake, Turnham, McNair, Crowe, Lewis, Porter, Hilliard, Cooper, Holmes, Harrison, Johnstone, Sandusky, Teague, Hopping, White, Martin, Naramore, Callahan, Kinsey, Sonnier, Harris, Smith (C), Smith (J), Baker, Whatley, Higginbotham, Crawford, Edwards, Dial, Lockett, McCluskey, Holley, Quarles, Albright, Hines, McMillan, Glass, Owens, Jackson (F), Burgess, Weeks, McNees, Howard, Robertson, Clark, Manley, Tucker, Sasser, Carter, Cross, Roberts, Killian, Smith (B), Andrews, Gafford, Kennedy, Armstrong, Pegues, Campbell, Greer, Carothers and Jackson (R):

H. 585. To amend Sections 1 and 4 of Act No. 590, H. 138, Page 827, Volume 2, Acts of Alabama 1957, relating to the provisions of a state scholarship program to promote the education of nurses; and making appropriations therefor.

Ways and Means.

By Mr. Reed:

H. 586. Relating to counties having a population of not less than 24,500 nor more than 25,500 inhabitants according to the most recent federal decennial census; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Ways and Means.

By Mr. Reed:

H. 587. Relating to counties having a population of not less than 11,500 nor more than 12,500 inhabitants according to the most recent

federal decennial census; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Ways and Means.

By Messrs. Carter, Starkey and Naramore:

H. 588. To amend Act No. 1980, Acts of Alabama, 1971 Regular Session, p. 3222, pertaining to annual resident fishing licenses so as to remove the sentence referring to borrowing, lending or altering said licenses.

Conservation.

By Messrs. Glass, Johnstone, LeFlore, McCulley, Sonnier, McMillan and Malone:

H. 589. To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to visit each legislative house district for the purpose of accepting forms for the reidentification of voters and for the purpose of accepting applications for the registration of voters; to provide for the designation of places to be visited; to provide further for the compensation and mileage of members of the board.

Local Legislation No. 3.

By Messrs. Sonnier, Sandusky, Glass, Smith (C), Burgess, Shelton, Higginbotham and Kelley:

H. 590. To allow barbers to hire cosmetologists for the purpose of cutting male or female hair; to allow cosmetologists to hire barbers for the purpose of cutting male or female hair.

State Administration.

By Messrs. LeFlore, Hill, Teague, Whatley, Johnstone, Turnham, Glass, Warren, McCulley, Malone, Gafford, Sonnier, Sandusky and Carter:

H. 591. An Act, To amend Sections 1 and 3 of Act No. 470, S. 182, 1969 Regular Session, as amended, (Acts of 1969, p. 912), entitled "An Act To provide for and regulate the payment of expenses of state officers and employees and persons traveling on official business for the State or any of its departments, institutions, boards, bureaus, commissions, councils, committees, and other like agencies," so as to raise the amount provided for in said sections.

Ways and Means.

By Mr. Lee:

H. 592. To provide that any city of the state having a population of more than 60,000 and less than 70,000 according to the most recent federal decennial census shall have authority, after notice is provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Local Legislation No. 1.

By Messrs. Manley, Sandusky, Campbell, Smith (J), Armstrong, Morris, Malone, Sonnier, White and Cates:

H. 593. To propose an amendment to the Constitution of Alabama requiring that all revenues received by the State after October 1, 1977 (with certain specified exceptions) be immediately paid into the State Treasury for credit to the general fund of the State, prohibiting the Legislature from passing, after October 1, 1977, any law allocating or earmarking any State revenues for any special purpose or to or for the benefit of any particular agencies (with certain specified exceptions) and specifying that State authorities and public corporations may continue to issue, in pursuance of law, bonds and other securities that are not general obligations of the State and that are payable solely out of certain specified State revenues, and that such bonds and other securities shall not constitute debts of the State within the meaning of the Constitution.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Crawford (With Notice and Proof):

H. 594. To alter, re-arrange and extend the boundaries of the Town of Kinsey, in Houston County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 594:

STATE OF ALABAMA
COUNTY OF HOUSTON

Notice is hereby given that a Bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, re-arrange and extend the boundaries of the Town of Kinsey, in Houston County, Alabama.

Be It Enacted by the Legislature of the State of Alabama:

SECTION I

The boundaries of the Town of Kinsey in Houston County, Alabama, are hereby altered, re-arranged and extended so as to embrace within the corporate limits of said municipality the following described property, to-wit:

Beginning at a point on the Houston and Henry County line at the Northwest Corner of the E½ of Section 19, Township 4 North, Range 27 East and running thence in a Southerly direction along the West line of the E½ of Section 19 to the South line of said Section; thence continuing to run South along the West line of E½ of the Section 31 to the SW Corner of the NE¼ of Section 31; thence running East along the South line of the NE¼ of Section 31 to the East line of said Section 31, thence continuing to run East along the South line of the N½ of Section 32 to the East line of said Section 32; thence continuing to run East along the South line of the N½ of Section 33 to the East line of said Section 33; thence continuing to run East along the South line of NW¼ of Section

34 to the SE Corner of said NE¼ of Section 34, thence running North along the East line of said NW¼ of Section 34 to the North line of said Section 34, thence continuing to run North along the East line of the W½ of Section 27 to the North line of said Section 27; thence continuing to run North along the East line of the W½ of Section 22 to the North line of said Section 22 and the Henry County line; thence running in a Westerly direction along the North line of Sections 22, 21, 20 and 19 to the Northwest Corner of the E½ of Section 19 to the point of beginning. Said corporate limits to contain all of the lands embraced within the above described boundaries, all lying and being in Township 4 North, Range 27 East, Houston County, Alabama.

Said lands being further described by government Sections and Subdivisions as follows:

All of Sections 20, 21, 28 and 29; the East half of Sections 19 and 30; the NE¼ of Section 31; the N½ of Sections 32 and 33; the NW¼ of Section 34 and the W½ of Sections 27 and 22, all lying and being in Township 4 North, Range 27 East, Houston County, Alabama.

SECTION II

This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA HOUSTON COUNTY

Before me, the undersigned authority in and for said County in said State, this day, personally appeared D. H. DOLSON, who is known to me and who, being by me first duly sworn, deposes and says: That he is ADVERTISING MANAGER of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 successive weeks, on the following dates: March 11, 18, 25 and April 1, 1975 in the Dothan Eagle, which said Dothan Eagle has a general circulation in the County in which it is published and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

D. H. DOLSON.

Sworn to and subscribed before me on this 7 day of May 1975.

SARAH C. BOYDE,
Notary Public.

My Commission Expires 2-8-78.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Starkey:

H. J. R. 62. TO DESIGNATE COUNTY HIGHWAY 75 IN JACKSON COUNTY AS RIDLEY ROAD.

WHEREAS Oscar Ridley was instrumental in having Russell Cave named a National Monument; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That County Highway 75 from Old Mt. Carmel Church to the Tennessee line shall be designated as

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Ridley Road; and the State Highway Department shall cause appropriate blue and white markers to be erected along said highway at two mile intervals so designating it.

The resolution, H. J. R. 62, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Killian:

H. J. R. 63. CONGRATULATING MICHAEL RICHEY.

WHEREAS Michael Richey was named second place winner in the state-wide "Ability Counts" contest sponsored by the Governor's Committee on the Employment of the Handicapped; and

WHEREAS Michael is a senior at Fyffe High School; and

WHEREAS this honor is a reflection upon Michael's scholastic achievements; and

WHEREAS Michael Richey received a cash award and a plaque; and

WHEREAS Michael is the son of Mr. and Mrs. B. O. Richey of Fort Payne; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we offer our, most hardy congratulations to Michael Richey upon being named second place winner in the "Ability Counts" contest.

BE IT RESOLVED FURTHER, That copies of this Resolution be sent to Michael and his parents.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 63, on the Clerk's desk for one legislative day.

Also:

By Mr. Killian:

H. J. R. 64. CONGRATULATING W. L. HOWELL AND SON FOR HAVING THE TOP DAIRY HERD.

WHEREAS Alabama has been noted nationally for being number one in many areas; and

WHEREAS W. L. Howell and Son have added another item to that list by having the number one dairy herd for milk regardless of herd size; and

WHEREAS the Howell herd of 86 cows averaged 15,129 pounds of milk and 737 pounds of fat; and

WHEREAS W. L. Howell and Son of Fort Payne have been listed among the top ten herds since entering in 1971; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate W. L. Howell and Son for achieving another first for Alabama by having the number one dairy herd.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to W. L. Howell and Son.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 64, on the Clerk's desk for one legislative day.

Also:

By Mr. Crowe:

H. J. R. 65. REPEALING S. J. R. 13, THIRD SPECIAL SESSION 1975.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That S. J. R. 13, Third Special Session, 1975, is hereby repealed.

The resolution, H. J. R. 65, was read and referred to the Standing Committee on Rules.

Also:

By Messrs. McMillan and Kinsey:

H. J. R. 66. MOURNING THE DEATH OF MRS. JOHNNIE MAE DAVISON.

WHEREAS Mrs. Johnnie Mae Davison was a resident and community leader of Baldwin County; and

WHEREAS her life of involvement in county and state politics included service on the Baldwin County Democratic Executive committee; and

WHEREAS Mrs. Davison operated a successful business and displayed her leadership abilities in the business and civic life of her county; and

WHEREAS she exhibited throughout her life those admirable attributes of loyalty, friendliness, perserverance and honesty. She gained the respect and affection of all who knew her, whether friend or mere acquaintance; and

WHEREAS she was a devoted wife, mother and grandmother; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mrs. Johnnie Mae Davison and express our deep and sincere sympathy to her family, to whom a copy of this resolution shall be sent.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 66, on the Clerk's desk for one legislative day.

Also:

By Messrs. Baker, Whatley and Higginbotham:

H. J. R. 67. COMMENDING THE PHENIX CITY LIONS CLUB FOR THEIR EFFORTS IN PROMOTING THE ALONZO STAGG BOWL.

WHEREAS the Alonzo Stagg Bowl was first held in Phenix City on Thanksgiving Day, 1971; and

WHEREAS thanks to the sponsorship of the Phenix City Lions Club, this bowl game has been elevated to the status of a National Championship game which is regionally televised each year; and

WHEREAS the television coverage of the Alonzo Stagg Bowl provides excellent publicity for Phenix City and the State of Alabama; and

WHEREAS the Alonzo Stagg Bowl is also a fine money-raising project to which 5,000 tickets were sold in 1974; and

WHEREAS the Phenix City Lions Club has taken great pains to provide the participating teams and fans of this bowl game with the type of reception and hospitality which will assure these visitors return home with a favorable impression of Phenix City and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Phenix City Lions Club for their work on behalf of the Alonzo Stagg Bowl and wish them every continued success.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the mayor of Phenix City, the Phenix City Lions Club, and the National Collegiate Athletics Association.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 67, on the Clerk's desk for one legislative day.

Also:

By Messrs. Baker, Whatley and Higginbotham:

H. J. R. 68. COMMENDING THE ATHLETIC DEPARTMENT AND ATHLETIC DIRECTOR DOUG KEY FOR THE OUTSTANDING ACCOMPLISHMENTS IN THE FIRST YEAR FOR ATHLETICS AT CHATTAHOOCHEE VALLEY COMMUNITY COLLEGE IN PHENIX CITY.

WHEREAS Chattahoochee Valley Community College excelled in Basketball, Baseball, Golf, and Tennis in its first year of competition; and

WHEREAS the basketball team placed 4th in the State Division; and

WHEREAS the baseball team placed 2nd in the Central Division and 2nd in the Nation in the small college division; and

WHEREAS the golf team placed 2nd in the State and 4th in Region 17; and

WHEREAS the college had an outstanding overall winning percentage of 58%; and

WHEREAS the college president Ralph Savage is due much credit for his cooperation, support and spirit; and

WHEREAS the athletic director, Doug Key deserves much praise and congratulations for the accomplishments of the teams; and

WHEREAS the coaches, Doug Key, Denny Mitchell and Elaine Barnhill worked long and hard to steer their teams to victory; and

WHEREAS four students, Gary Woods, Gary McCaghren, Phil Stillwell and Randy Daniels because of their superior effort and determination were named All Americans in the small college division.

WHEREAS the students, faculty, parents, and friends rallied behind the teams and gave support and encouragement to the team members and the coaches; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the athletic department of Chattahoochee Valley Community College for its outstanding records and superior accomplishments in its first year of operation.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the college president, Ralph Savage, athletic director, Doug Key, his coaches and the members of the teams.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 68, on the Clerk's desk for one legislative day.

Also:

By Messrs. Smith (B), Carter, Riddick and Gregg:

H. J. R. 69. RELATING TO LAW ENFORCEMENT SECTIONS WITHIN THE DEPARTMENT OF CONSERVATION.

WHEREAS the Department of Conservation and Natural Resources through several of its divisions, namely Game and Fish, Water Safety, Parks and Marine Resources, maintains and operates separate law enforcement sections; and

WHEREAS the Legislature of the State of Alabama recognizes that each of the law enforcement sections has the primary and legal responsibility of enforcing the laws and regulations of its division; and

WHEREAS it is also recognized that each of the law enforcement sections has the secondary responsibility of enforcing all laws and regulations of the Department of Conservation and Natural Resources; and

WHEREAS there is a mandatory need to reduce expenses, to eliminate the practice of double checking of fishermen and boaters and to improve the overall efficiency of the Department's law enforcement programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Commissioner of the Department of Conservation and Natural Resources immediately initiate an aggressive program of mutual assistance and cooperation designed to insure that each of the law enforcement sections of the Department continue to carry out its primary responsibilities in the most feasible and efficient manner possible and further that each of the law enforcement sections of the Department recognize and fulfill its secondary responsibility of assisting the other law enforcement sections of the Department in all areas of departmental enforcement responsibilities thereby eliminating to the greatest degree possible the practice of double checking fishermen and boaters and other duplicated efforts which often occur.

The resolution, H. J. R. 69, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Crowe:

H. J. R. 70. CONGRATULATING MARTY SARGENT.

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WHEREAS attaining the Eagle Rank is the highest achievement in scouting; and

WHEREAS Marty Sargent has achieved the Eagle Rank; and

WHEREAS Marty Sargent is a member of Cordova Scout Troop 115 under the direction of Scoutmaster W. H. Ryland; and

WHEREAS Marty Sargent is also active in school, church, and community affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Marty Sargent of Cordova upon becoming an Eagle Scout.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Marty Sargent, his parents, and the scoutmaster.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 70, on the Clerk's desk for one legislative day.

Also:

By Mr. Crowe:

H. J. R. 71. CONGRATULATING BRENT GURGANUS.

WHEREAS, Attaining the Eagle Rank is the highest achievement in scouting; and

WHEREAS, Brent Gurganus has achieved the Eagle Rank; and

WHEREAS, Brent Gurganus is a member of Cordova Scout Troop 115 under the direction of Scoutmaster W. H. Ryland; and

WHEREAS, Brent Gurganus is also active in school, church, and community affairs.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Brent Gurganus of Cordova upon becoming an Eagle Scout.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Brent Gurganus, his parents, and the scoutmaster.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 71, on the Clerk's desk for one legislative day.

Also:

By Mr. Crowe:

H. J. R. 72. CONGRATULATING MICHAEL HARBISON, JR.

WHEREAS attaining the Eagle Rank is the highest achievement in scouting; and

WHEREAS Michael Harbison, Jr. has achieved the Eagle Rank; and

WHEREAS Michael Harbison, Jr. is a member of Cordova Scout Troop 115 under the direction of Scoutmaster W. H. Ryland; and

WHEREAS Michael Harbison, Jr. is also active in school, church, and community affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Michael Harbinson, Jr. of Cordova upon becoming an Eagle Scout.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Michael Harbison, Jr., his parents, and the scoutmaster.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 72, on the Clerk's desk for one legislative day.

Also:

By Mr. Crowe:

H. J. R. 73. CONGRATULATING LAWRENCE SIDES.

WHEREAS attaining the Eagle Rank is the highest achievement in scouting; and

WHEREAS Lawrence Sides has achieved the Eagle Rank; and

WHEREAS Lawrence Sides is a member of Cordova Scout Troop 115 under the direction of Scoutmaster W. H. Ryland; and

WHEREAS Lawrence Sides is also active in school, church, and community affairs, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Lawrence Sides of Cordova upon becoming an Eagle Scout.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Lawrence Sides, his parents, and the scoutmaster.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 73, on the Clerk's desk for one legislative day.

Also:

By Mr. Glass:

H. J. R. 74. MOURNING THE DEATH OF GEORGE H. BRYANT.

WHEREAS George H. Bryant was a native and life-long resident of Bayou La Batre; and

WHEREAS he attended Bayou La Batre High School and George Peabody College; and

WHEREAS he taught high school history for over forty years; and

WHEREAS he was a writer whose works promoted Bayou La Batre and an artist whose paintings found a nationwide market; and

WHEREAS George H. Bryant was an honorary member of the Bayou La Batre Chamber of Commerce, for life, as well as being Bayou La Batre's official "Ambassador of Good Will" to the world; and

WHEREAS his friends, associates and former pupils benefited greatly from his kindness, insight and loyalty; now therefore,

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret the passing of George H. Bryant, and offer our sincere sympathy to his family, to whom copies of this resolution shall be sent.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 74, on the Clerk's desk for one legislative day.

Also:

By Messrs. Smith (M), Higginbotham, Morris and Turnham:

H. R. 75. WISHING THE SPEEDY RECOVERY OF Reverend Terrell Whaley.

WHEREAS, Reverend Terrell Whaley has been a prominent citizen of Chambers County for many years; and

WHEREAS, he has done much more than his pro rata share to promote the good life and well being of his fellow man; and

WHEREAS, he has served unselfishly and without remuneration or hope of worldly gain; and

WHEREAS, it has recently come to the attention of the State that Reverend Terrell Whaley has succumbed to ill health and is now recuperating;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That it does hereby take this opportunity to express grateful appreciation to Reverend Terrell Whaley for his public contributions; and

BE IT FURTHER RESOLVED, That the State does wish him a rapid and immediate recovery; and

BE IT EVEN FURTHER RESOLVED, That upon recovery, the State does request that Reverend Terrell Whaley re-enter public life and resume his traditional place of leadership.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 75, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has elected the following as members of the Legislative Council:

Messrs. McMillan, Shelby, Torbert and Mitchell.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has elected the following as members of the Building Commission:

Messrs. Edwards, Gilmore, Powell and Wilson.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has elected the following as members of Legislative Committee on Examiners of Public Accounts:

Messrs. Baker, Flipppo, Littleton, Vacca and Waldrop.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Stewart, Bank, Wilson, Shelby, Edwards, Perry, McDonald (S), Torbert, Powell, Jones, Baker and Fine:

S. J. R. 14. CREATING A SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICARE AND MEDICAID PROGRAMS.

WHEREAS the Medicare and Medicaid programs of the State of Alabama are taking a larger and larger portion of the funds in the state treasury; and

WHEREAS the nursing home programs under the medicare and medicaid programs are costing more and more; and

WHEREAS the members of the general public and state officials are becoming alarmed at the increasing cost of these programs to the state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That there is hereby created a joint select committee to be composed of five members of the House and five members of the Senate to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the medicare and medicaid program with particular emphasis on the increasing cost to the state of such programs. The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifteenth legislative day of the 1975 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman, provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 14, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Foshee:

S. J. R. 15. EXPRESSING THANKS TO CLEMENT C. SAWTELL FOR THE PRESENTATION TO THE STATE OF THE FLAG OF THE C. S. S. ALABAMA.

WHEREAS the proudest ship of the Confederate States Navy was honored by the name of Alabama and was placed under the command of a noted Alabamian, Admiral Raphael Semmes; and

WHEREAS the fame of the C. S. S. Alabama has lived in song, history, and international diplomacy since her keel was laid, making the name ALABAMA all the more world renowned; and

WHEREAS one of her flags was rescued as a relic of her last, fateful encounter on June 19, 1864, and has been carefully preserved through the years by the family of Clement C. Sawtell of Massachusetts; and

WHEREAS Clement C. Sawtell has generously decided to present the flag of the C. S. S. Alabama to the people of the State of Alabama to be displayed as a priceless relic of the American War Between the States

BE IT NOW THEREFORE RESOLVED by the Senate of Alabama, the House of Representatives concurring, that the thanks of the Legislature be expressed to Clement C. Sawtell for his generosity and act of reconciliation in giving the flag of the C. S. S. Alabama to the people of Alabama; and

BE IT FURTHER RESOLVED that the flag be displayed publicly and marked as a gift of Clement C. Sawtell of Massachusetts that all may know of our pride in the exploits of the great ship and of our gratitude to the donor; and

BE IT FURTHER RESOLVED that the thanks of the Legislature be expressed to Admiral Beverly Mosby Coleman for his agency in the return of the flag of the C. S. S. Alabama; and

BE IT FURTHER RESOLVED that the Legislature stand in recess from 1:30 p. m. to 2:30 p. m. on this day so that the members may attend the ceremonies of the presentation of the flag of the C. S. S. Alabama to the Governor of Alabama in behalf of the people of our State.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 15, on the Clerk's desk for one legislative day.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 9. Appointing Joint Interim Committee to study real estate principles.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions introduced on the third legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 41. Congratulating Johnny B. Kirk upon being selected to play in the High School All Star Game.

H. J. R. 42. Congratulating Mr. and Mrs. Attley C. Smith on their Golden Anniversary.

H. J. R. 43. Mourning the death of Kenny Washington.

H. J. R. 44. Congratulating Miss Eloise Kidd upon being nominated "Outstanding Woman of the Year" by the Alabama Physically Handicapped Association.

H. J. R. 45. Congratulating W. B. Curry upon his retirement.

H. J. R. 46. Honoring N. S. "Nick" Hare for his pioneer work on the new Alabama rules of civil procedure and in the field of judicial reform.

H. J. R. 50. Congratulating the Robert E. Lee High School Baseball Team on winning the State 4-A Baseball Championship.

H. J. R. 52. Congratulating Melissa Oliver upon her selection for membership in Mortar Board at the University of Alabama.

H. J. R. 54. Commending Glenn Still on being named Soybean King.

H. J. R. 56. Congratulating J. D. 'Josh' Sellars upon being elected President of the Alabama League of Municipalities.

H. J. R. 57. Saluting Sumter County upon being named Number One in Rural Development.

On motion of Mr. Crowe, the resolutions were adopted en masse.

BILLS ON THIRD READING

And the bill:

H. 100. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide an additional clerk-hire allowance for the Judge of the Winston County Court of Law and Equity, Winston County, Alabama, and to provide for the payment of same.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Dial, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill, Holley, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, McCluskey, McCulley, McMillan, McNeas, Malone, Martin, Moore (O), Morris, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

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And the bill:

H. 101. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide for the hiring of two (2) new Deputies and to provide for the payment of their salaries.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill, Holley, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNeas, Malone, Martin, Merrill, Moore (O), Morris, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

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And the bill:

H. 214. To amend Act No. 192, H. 526, 1971 Regular Session (Acts 1971, p. 487), entitled "An Act Relating to Calhoun County; providing for meetings of and clerical assistance to the board of registrars of Calhoun County," relative to the salary of the executive secretary to the board, to make the provisions of this amendatory act retroactive.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Holley, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis,

Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Pegues, Plaster, Rich, Roberts, Robertson, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

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And the bill:

H. 238. To repeal Act No. 31, S. 104, approved September 23, 1965, Second Special Session 1965 (Acts of Alabama 1965, p. 47) entitled, "An Act Relating to counties having a population of not less than 27,000 nor more than 30,000 according to the most recent federal decennial census; to provide for a solicitor's fund therein when the solicitor resides in such county from the solicitor's fees taxed and collected as costs and providing for the expenditure and use thereof."

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Holley, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Morris, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 248. To repeal Act No. 1205, H. 31, 1971 Regular Session (Acts of 1971, p. 2091), entitled "An Act Relating to counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; to provide further for the type of newspapers in which certain notices required to be published in newspapers under the provisions of Section 713, Title 7, Code of Alabama 1940, may be published."

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—76

REGULAR SESSION
4th Day

323

And the bill:

H. 254. Providing that the Probate Judge of Randolph County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—81

And the bill:

H. 255. Relating to Randolph County: providing further for the compensation of election officials.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—80

And the bill:

H. 256. Relating to Randolph County: To provide further for the distribution of fines and forfeitures in certain cases.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper,

Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—80

And the bill:

H. 310. To amend Section 2 of Act No. 25, H. 50, Second Special Session 1975, approved March 10, 1975, entitled "An Act Relating to all counties having a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census; providing an expense allowance for the Judge of the Inferior Court of that county and providing an expense allowance for the County Solicitor of that county," so as to correct a technical omission in said Section 2 and to give the provisions of this amendatory act retroactive effect to March 10, 1975.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

And the bill:

H. 325. Relating to Clay County, authorizing the governing body to employ such clerical and secretarial employees as may, from time to time, be deemed necessary, subject to the availability of county funds for such purposes.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Holley, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Morris,

Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

—71

And the bill:

H. 326. Relating to Clay County, authorizing the county commission to retain one-half of the fines received for violations resulting from state trooper arrests in that county, and providing such funds be credited to the county general fund.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Holley, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—79

And the bill:

H. 346. Relating to counties having a population of not less than 12,700 nor more than 13,100 according to the most recent federal decennial census; to provide for an expense allowance for members of the board of education; to provide that said allowance shall be the only form of compensation for said members and to repeal all conflicting statutes.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holley, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

—75

And the bill:

H. 347. To amend Sections 2 and 4 of Act No. 354, H. 1051, 1973 Regular Session (Acts of 1973, p. 490) entitled "An Act Relating to

counties having a population of not less than 12,700 and not more than 13,100 according to the most recent federal decennial census; to provide for the compensation and certain expenses of the register of the circuit court in any such county, payable from county funds; and providing for certain other duties of such register," so as to provide further for an expense allowance for the register.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holley, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Morris, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

And the bill:

H. 72. Relating to Lawrence County, abolishing the fine and forfeiture fund of Lawrence County and providing that all monies now in the fine and forfeiture fund or hereafter collected for such fund shall be paid into the general fund of such county and that all claims due or to become due from the fine and forfeiture fund shall be paid from the general fund of the county; providing that witness certificates obtained as a state's witness before the grand jury or the circuit court, county court or other inferior court in which a criminal prosecution is pending shall be paid from the general fund on presentation; providing that all monies now held or hereafter collected as witness fees for state's witnesses in the circuit court, county court or other inferior court shall be paid on collection into the general fund of the county.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holley, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Morris, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—79

And the bill:

H. 74. Relating to Lawrence County; to provide an additional expense allowance for the coroner.

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Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holley, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Morris, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—79

And the bill:

H. 75. To amend further Section 1 of Act No. 62, H. 325, Regular Session 1959, as last amended, regulating the meetings of the county board of education of Lawrence County, so as to provide further for the compensation and allowances of the board members.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hines, Holley, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Moore (O), Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

And the bill:

H. 257. To amend the title and Section 2 of Act No. 476, H. 305, Regular Session 1973 (Acts 1973, p. 691), which act relieves the chief clerk of the probate judge of Chambers County of certain duties, so as to correct an error in a citation to a certain act.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hines, Holley, Howard, Jackson (F), Johnson, Johnstone,

Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—76

And the bill:

H. 258. Relating to Chambers County; to authorize and permit persons who are drawing retirement from the state to be employed on a part-time basis by the county; to prescribe certain limitations thereon and to repeal conflicting statutes.

Was taken up.

H. 258 POSTPONED

On motion of Mr. Smith (M), the bill, H. 258, was postponed to the fifth legislative day.

And the bill:

H. 259. Providing that the Probate Judge of Chambers County shall appoint one or more regular clerks in the probate office as deputy registrar empowered to take applications for voter registration at any time the probate office is open for business.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holley, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—78

And the bill:

H. 260. Relating to Chambers County; to regulate further the compensation of the coroner of Chambers County.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Cross, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holley, Howard, Jackson (F), Johnson, John-

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stone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

And the bill:

H. 269. Relating to all counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent or any subsequent federal decennial census; to provide an additional expense allowance for the board of equalization.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

—79

And the bill:

H. 301. To authorize the Marengo County Commission to pay an expense allowance to the judge of probate in Marengo County, and to make the provisions of this act retroactive.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

—80

And the bill:

H. 358. To authorize the charging of a "convenience fee" in the amount of 25 cents on the sale of any hunting or fishing licenses sold in

Morgan County by any special agent who sells hunting or fishing licenses in the City of Decatur under authority granted pursuant to the provisions of Act No. 628, H. 351, p. 1082, Acts of Alabama, 1951 Regular Session of the Alabama Legislature; prescribing penalties for the violation of the provisions of this act.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—78

And the bill:

H. 408. Relating to counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census, and to the largest and second largest municipalities located within each such county, to establish lengths and periods of time for the sheriff and deputies of said counties and for the policemen and firemen of the largest and second largest municipalities located within each county, in which such persons would be recognized for services rendered by granting such persons an extra annual allowance after a minimum of five years service.

Was taken up.

Mr. Johnson offered the following substitute for the bill:

A BILL
TO BE ENTITLED
AN ACT

Relating to all counties having populations of not less than 115,000 nor more than 150,000 inhabitants; to levy a privilege, license or excise tax on sellers, distributors, storers, or users of malt or brewed beverages; to provide that the proceeds of the Act be used to pay salary increases to certain municipal and county employees, and to provide penalties for violation hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only to those counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census.

Section 2. There is hereby levied a privilege, license or excise tax on all persons, firms and corporations selling, distributing or delivering to retailers any malt or brewed beverages (including beer, lager beer,

4th Day

ale, porter, or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume), which tax shall be in an amount equal to three cents (\$.03) per each can or bottle sold or distributed within the county.

Section 3. The tax levied by this Act shall be collected by or under the supervision of the county commission, which may provide rules and regulations and administrative machinery for the enforcement and collection of the tax, and may also provide reasonable compensation to sellers and distributors of malt or brewed beverages for the expense of compliance with such rules and regulations. The county commission may employ such personnel as may be needed to collect and enforce the tax and shall fix their compensation and tenure.

Section 4. Any person, firm or corporation who violates any provision of this Act or the rules and regulations promulgated hereunder by the county commission shall be guilty of a misdemeanor. Each month such violation continues shall constitute a separate offense. Any person, firm or corporation who fails to pay the tax herein levied within the time prescribed by such rules and regulations shall pay, in addition to the tax, a penalty of ten percent (10%) of the amount of the tax, together with interest thereon at the rate of one-half of one percent per month or fraction thereof, from the date at which the tax herein levied became payable, such penalty and interest to be assessed and collected as part of the tax.

Section 5. After first reimbursing the county general fund for all expenses incurred in the administration and enforcement of this Act the remainder of the proceeds from the tax shall be distributed as follows: thirty percent (30%) to be retained by the county; sixty percent (60%) to be paid over to the largest municipality within the county; and ten percent (10%) to be paid over to the second largest municipality.

Section 6. Each political subdivision receiving funds pursuant to Section 5 above shall establish and maintain a system of longevity bonus payments to the employees of that subdivision. Each such employee shall be entitled to and shall receive in a lump sum payment in the first pay period of December each year, the sum of \$300 per annum after such employee has accumulated total service amounting to five years and shall receive said payment until the tenth year of service, at which time the payment shall be made in a like manner and at a like time but in the amount of \$400 per annum until the fifteenth year of service, at which time the payment shall be in a like manner and at a like time but in the amount of \$500 per annum, until the twentieth year of service, at which time the payment shall be made in a like manner and at a like time but in the amount of \$600 per annum as long as such person remains in service.

The above payments shall be made in addition to all salaries or wages prescribed by the merit system classification and shall be in addition to any expense or per diem allowances that may be in effect at the time of payment provided herein. The sums provided herein shall not be used in computing retirement or other benefits.

The sums herein granted to the employees of the county shall be paid from the county general fund using monies distributed thereto under Section 5 above. The sums herein granted to the employees of the two largest municipalities shall be paid from the municipal funds of the respective municipalities using monies distributed thereto by Sec-

tion 5 above. Any of such monies not paid out in longevity bonuses pursuant to this Section shall be used by the respective political subdivisions only for the purpose of bonuses and salaries of their employees.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holley, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, McCluskey, McCulley, McNair, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—72

And the bill:

H. 408. Relating to all counties having populations of not less than 115,000 nor more than 150,000 inhabitants; to levy a privilege, license or excise tax on sellers, distributors, storers, or users of malt or brewed beverages; to provide that the proceeds of the Act be used to pay salary increases to certain municipal and county employees, and to provide penalties for violation hereof.

As thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holley, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, McCluskey, McCulley, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—74

And the bill:

H. 422. To provide further for the salary of any deputy clerk or register in a city other than the county seat in counties having a population of not less than 33,550 nor more than 34,000 according to the most recent federal decennial census.

4th Day

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hines, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—79

And the bill:

H. 425. Relating to all counties having populations of not less than 33,550 nor more than 34,000, according to the most recent federal decennial census; providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations; and repealing all conflicting laws and parts of laws general, local and special.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holley, Howard, Jackson (F), Johnstone, Jolly, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McNees, Malone, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—79

And the bill:

H. 427. To provide an increase in salary for the deputy circuit clerk serving in the western one-half ($\frac{1}{2}$) of all counties having a population of not less than 33,550 nor more than 34,000 inhabitants according to the most recent or any subsequent federal decennial census.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass,

Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Jackson (F), Johnstone, Jolly, Killian, Kinsey, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—79

MOTION TO SUSPEND RULES LOST

The motion of Mr. Morris to suspend the rules in order to bring up out of order the third reading of the bill, H. 212, was lost.

Yeas 42; Nays 45.

Yeas:

Messrs.: Andrews, Barron, Biddle, Burgess, Callahan, Campbell, Carothers, Cates, Clark, Crawford, Cross, Crowe, Dial, Glass, Greer, Gregg, Hines, Holley, Jackson (F), Kelley, Killian, Kinsey, McCluskey, McCulley, McMillan, Malone, Mitchem, Moore (O), Moore (W), Morris, Pegues, Rich, Sandusky, Sasser, Smith (B), Taylor, Teague, Trammell, Venable, Waggoner, White and Williams.

—42

Nays:

Messrs.: Armstrong, Baker, Coburn, Cooper, Edwards, Falkenburg, Folmar, Ford, Goodwin, Harris, Harrison, Higginbotham, Hilliard, Holmes, Hopping, Howard, Jackson (R), Johnson, Jolly, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McNair, McNees, Martin, Naramore, Owens, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Robertson, Smith (C), Smith (J), Smith (M), Sonnier, Tucker, Turnham, Warren and Wyatt.

—45

MOTION TO ADJOURN LOST

The motion offered by Mr. Coburn that the House adjourn until 1:30 o'clock p. m., Thursday, June 5, 1975, was lost.

Yeas 42; Nays 49.

Yeas:

Mr. Speaker, Andrews, Barron, Biddle, Callahan, Coburn, Cooper, Crawford, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Harris, Hilliard, Holley, Jackson (F), Jackson (R), Johnstone, Jolly, Lewis, McMillan, McNair, McNees, Manley, Merrill, Morris, Owens, Porter, Reed, Sandusky, Sasser, Smith (J), Smith (M), Sparks, Starkey, Taylor, Tucker, Waggoner and Weeks.

—42

Nays:

Messrs.: Armstrong, Baker, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Cross, Dial, Gregg, Hall, Harrison, Higginbotham, Hines, Holmes, Howard, Johnson, Kelley, Killian, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, Malone, Martin, Mitchem, Moore (O), Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Smith (B), Smith (C), Sonnier, Trammell, Turnham, Venable, Warren, Whatley, White and Wyatt.

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BILLS ON THIRD READING RESUMED

And the bill:

H. 201. To provide that driver's licenses bear photographic likenesses in color of licensed drivers and to provide for a system of color photographic driver license forms.

Was taken up.

H. 201 POSTPONED

On motion of Mr. Waggoner, the bill, H. 201, was postponed to the sixth legislative day.

And the bill:

H. 222. To provide that the boards of Alabama Institute for Deaf and Blind, Alabama Boys Industrial School, Alabama Girls Industrial School, and the Industrial School at Mt. Meigs shall grant personal leave to teachers.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Howard, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 127. To provide that any bona fide citizen of the state who is over 65 years of age shall be exempt from paying any tuition at any state supported institution of higher learning.

Was taken up.

Mr. White offered the following amendment to the bill:

Amend H. B. 127, Section 1, Line 26 by adding tuition for these individuals shall be paid for by the state out of the special education trust fund.

AMENDMENT TABLED

On motion of Mr. Turnham, the amendment offered by Mr. White to the bill, H. 127, was tabled.

Yeas 55; Nays 29.

Yeas:

Mr. Speaker, Albright, Baker, Brindley, Burgess, Callahan, Carter, Cates, Cooper, Crawford, Cross, Crowe, Dial, Folmar, Ford, Goodwin, Gregg,

Harris, Higginbotham, Hill, Hines, Holley, Holmes, Jackson (F), Johnstone, Jolly, Kelley, Killian, LeFlore, Lewis, McCluskey, McCulley, McNees, Malone, Mitchem, Owens, Pegues, Plaster, Porter, Rich, Riddick, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Taylor, Tucker, Turnham, Venable, Warren, Weeks, Whatley and Wyatt.
—55

Nays:

Messrs.: Andrews, Armstrong, Barron, Biddle, Campbell, Clark, Gafford, Hall, Harrison, Hilliard, Johnson, Kinsey, Lee, Leonard, Lockett, Lutz, McMillan, McNair, Manley, Merrill, Moore (O), Pegues, Roberts, Robertson, Smith (B), Sonnier, Waggoner, White and Williams.
—29

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Johnson, Holmes, Reed and Malone added as co-sponsors to the bill, H. 127.

AMENDMENT OFFERED

Mr. Greer offered the following amendment to the bill, H. 127:

Amend H. B. 127 by deleting on lines 20 and 21 the words institution of higher learning and add the words trade school.

AMENDMENT TABLED

On motion of Mr. Turnham, the amendment offered by Mr. Greer to the bill, H. 127, was tabled.

Yeas 49; Nays 28.

Yeas:

Mr. Speaker, Andrews, Baker, Brindley, Burgess, Carter, Cates, Clark, Cooper, Crawford, Crowe, Folmar, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Jackson (F), Johnson, Johnstone, Jolly, Killian, LeFlore, Leonard, Lewis, McCluskey, McMillan, McNees, Mitchem, Morris, Owens, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Turnham, Venable, Warren, Weeks and Williams.
—49

Nays:

Messrs.: Armstrong, Barron, Biddle, Campbell, Coburn, Cross, Dial, Gafford, Goodwin, Greer, Gregg, Hilliard, Jackson (R), Kinsey, Lee, Lockett, McNair, Manley, Moore (O), Pegues, Porter, Quarles, Robertson, Smith (B), Tucker, Waggoner, White and Wyatt.
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AMENDMENT OFFERED

Mr. Albright offered the following amendment to the bill, H. 127:

Amend Section 1 of House Bill No. 127 by deleting the period on line 26 and in lieu thereof place a comma and add the following:

“provided however that no monies for the implementation of this bill shall be expended from the Special Education Trust Fund.”

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MOTION TO TABLE

Mr. Turnham offered a motion to table the amendment offered by Mr. Albright to the bill, H. 127.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Wyatt withdrawn as co-sponsor to the bill, H. 127.

ADJOURNMENT

On motion of Mr. Robertson, the House adjourned until 2:00 o'clock p. m., Thursday, June 5, 1975.

FIFTH DAY

House of Representatives
Montgomery, Alabama
Thursday, June 5, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Gene Webb, Pastor, First Baptist Church, Lanett, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the fourth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourth legislative day was approved.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, S. J. R. 14, and ordered same returned to the House with a favorable report:

Creating a Select Joint Committee to study the rising cost to the State of the medicare and medicaid programs.

On motion of Mr. Drake, the resolution, S. J. R. 14, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 69, and ordered same returned to the House with a favorable report:

Relating to Law Enforcement sections within the Department of Conservation.

On motion of Mr. Drake, the resolution, H. J. R. 69, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the Resolution, H. J. R. 62, and ordered same returned to the House with a favorable report:

To Designate county highway 75 in Jackson County as Ridley Road.

On motion of Mr. Drake, the resolution, H. J. R. 62, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 60, and ordered same returned to the House with a favorable report:

Naming the library at the Northside High School for Miss Pauline Scrivner.

On motion of Mr. Drake, the resolution, H. J. R. 60, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 59, and ordered same returned to the House with a favorable report:

Providing for the continuation of the joint committee established by SJR 97, Act No. 382, approved September 5, 1967, and continued by SJR 101, Act No. 1046, approved September 12, 1969, and continued by HJR 217, Act No. 2418, approved October 1, 1971, to study the problems of interstate and intrastate highway safety generally.

— On motion of Mr. Drake, the resolution, H. J. R. 59, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 55, and ordered same returned to the House with a favorable report:

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Granting unanimous consent to provide that House Bill 293, which proposes a new criminal code, need not comply with the provisions of Joint Rules 12 and 13 or any of the rules of the House and Senate which require that bills be on paper that has numbered lines and be double spaced.

On motion of Mr. Lee, the resolution, H. J. R. 55, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 48, and ordered same returned to the House with a favorable report:

Designating the section of U. S. 431 between Gadsden and Guntersville as "The Lake Guntersville Parkway."

On motion of Mr. Drake, the resolution, H. J. R. 48, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 40, and ordered same returned to the House with a favorable report:

Creating the Long-Range Highway Development Study Committee.

On motion of Mr. Drake, the resolution, H. J. R. 40, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 39, and ordered same returned to the House with a favorable report:

Approving the attendance of Mrs. Marilyn Quarles at the Annual Meeting of the National Order of Women Legislators and to reimburse her for ordinary and necessary expenses.

And the resolution, H. J. R. 39, was adopted.

BILLS ON SECOND READING

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 453. To amend Section 808, Title 51, 1940 Code of Alabama as last amended so as to redistribute the balance of the tax collected under and pursuant to Section 788, Title 51, Code of Alabama 1940.

H. 455. To amend Section 32 of Act No. 100, H. 94, Second Special Session 1959, (Acts of Alabama 1959, Vol. 1, page 298, pp. 314-315) as amended so as to redistribute the amount of the proceeds of all taxes levied by the Act remaining after the payment of the expenses of administration and enforcement and the replacement in the several funds of the amount lost by any homestead exemptions and the distribution to the counties as therein provided.

H. 456. To make supplemental appropriations from the State General Fund to the State Health Department, Mental Health Department, Board of Corrections, Highway Department and to the State Docks for the fiscal years ending September 30, 1976 and September 30, 1977.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 304. To amend Section 37 of Act No. 516, H. 769, Regular Session 1949 (Acts of Alabama 1949, p. 740), so as to regulate further traffic control signal legends.

H. 451. To amend Section 584 of Title 7, Code of Alabama 1940, relating to the registration of judgments and decrees, so as to require the address of each defendant or respondent as shown in the court proceedings to appear on the certificate of registration.

H. 339. To provide this state with standards for the uniform recognition of acknowledgments by notaries public and other authorized officials; and to prescribe short forms of acknowledgment.

H. 16. To require the inclusion of a reasonable attorney's fee in any judgment rendered against a defendant in a tort action who is covered by liability insurance.

H. 236. To amend Title 3, Section 11, Code of Alabama, 1940, as amended, pertaining to cruelty to animals.

H. 237. To provide for the barring of all actions against, and immunity from any actions for, all persons who performed or furnished the design, planning, supervision, observation, or construction of improvements on real property, whether based on contract or tort, for damages arising out of any act or omission of such persons in the design, planning, supervision, observation, or construction of such improvements, even though the injury did not occur and the cause of action could not reasonably have been discovered within a period of seven years, unless such actions commenced within said seven years next after completion of the improvement, except that if injury to the person or property occurred during the seventh year after such completion, an action in tort to recover damages for such an injury including an injury causing wrongful death, may be brought within one year of the date of such injury; and to repeal conflicting laws.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 143. (With Amendments): To provide for privileged communications with clergymen.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 412. To further amend Sections 1, 2, 4, 6 and 8 of Act No. 46, H. 36, Legislature of 1955, 2nd Spec. Session, approved April 6, 1955 (Acts of 1955, p. 152), an Act to regulate the sale of eggs by requiring inspection, grading and accurate labeling of eggs, said Act being amended by Act No. 531, S. 336, Legislature of 1955, Regular Session, approved September 9, 1955 (Acts of 1955, p. 1179) and by Act No. 194, H. 39, Legislature of 1961, Spec. Session, approved September 15, 1961 (Acts

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of 1961, p. 2167); amend said Sections 1, 2, 4, 6 and 8 of said Act No. 46, as amended, said amendments relating to definition of terms in said Act, labeling information on containers in which eggs are sold or offered for sale; inspection fee payments levied upon the sale of eggs and to abolish such levy; and further relating to the permit required of retail and wholesale egg dealers; and exemptions from the requirements of said Act.

H. 125. To prohibit state government, any of its political subdivisions or any agencies thereof from purchasing, with public funds, any beef that is not produced within the United States.

H. 367. To repeal Article 27 (Sections 438 through 449) of Chapter 1 of Title 2 of the Code of Alabama 1940, which regulates the sale of paint by prescribing certain requirements under which paint is sold or offered for sale within this State.

H. 414. To amend Section 1 of Act No. 238, H. 288, approved July 27, 1953 (Acts of Alabama 1953, Vol. I, p. 303) an Act providing for the designation of certain employees of the Department of Agriculture and Industries as "Cattle Theft Investigators" with authority as peace officers, etc.; to amend said Act No. 238 of 1953 to designate such employees of the Department of Agriculture and Industries as "livestock theft investigators" with the power and authority of peace officers to conduct investigations and make arrests for any unlawful offense which may be exercised anywhere within the State of Alabama.

H. 417. To repeal Section 6 of Title 2 of the Code of Alabama of 1940 which prohibits the buying, selling or other trading in, and the movement or transportation, of certain farm products after the hour of sunset and before the hour of sunrise.

H. 418. To prescribe a procedure for complaints, investigations, findings and recommendations where purchasers of agricultural, vegetable, flower, tree, shrub and herb seeds suffer damages as a result of any such seed not being in compliance with legal requirements which govern the sale thereof or where the seed fail to produce or perform as represented; to create and establish an investigation and arbitration committee for this purpose and to prescribe its powers, duties and authority.

H. 419. To amend Sections 3, 6 and 7 of Act No. 424, H. 413, Legislature of 1963, Regular Session, approved September 2, 1963 (Acts of 1963, Vol. 2, p. 931), as amended, an Act to regulate the labeling, sale and offering or exposing for sale or distribution of agricultural, vegetable, flower, tree, shrub and herb seeds, etc.; to amend Section 3 of said Act No. 424 to prescribe the time of the test to determine the percentage of germination for agricultural and vegetable seed sold or offered for sale or distributed in hermetically sealed containers; to amend Section 6 of said Act No. 424 to require invoices of certain sales of seed sold at retail to be furnished to the buyer and that a record thereof with certain information thereon be kept by the seller; and to amend Section 7 of said Act No. 424 to authorize the adoption of rules and regulations governing the sale of seed that are subject to the provisions of the "Plant Variety Protection Act" of the Congress of the United States.

H. 546. To amend Act 404, Acts of Alabama, Regular Session, 1945, page 643, to provide that an association or associations of farmers engaged in multiplying and certifying seed or plant parts of a superior variety or strain and in increasing breeder seed by producing, processing and distributing foundation seed, may adopt symbols for such seed and register them with the Commissioner of Agriculture and Industries;

to make it unlawful for any person, firm, association or corporation to sell, offer for sale, or otherwise distribute or market foundation seed for any one specified crop, other than the association which registered the symbol or symbols thereof with the State Commissioner of Agriculture and Industries; to authorize and direct the Department of Agriculture and Industries, the Alabama Cooperative Extension Service, and the Alabama Agricultural Experiment Station, to cooperate and coordinate with such associations of farmers to implement and conduct a seed improvement program, and to conduct educational programs stressing the benefits of the use of superior seed varieties.

H. 551. To regulate the operation of livestock markets in Alabama by requiring such markets to procure a permit issued by the Commissioner of Agriculture and Industries and to be bonded for the payment of their obligations; to authorize the revocation or cancellation of such permit under certain conditions together with the amount of the permit fee and the amount of bonds required; to require livestock markets to maintain physical standards of construction for safe and sanitary keeping and handling of livestock to prevent the spread of livestock diseases; to impose requirements or prohibitions with respect to the sale of livestock at public auction or otherwise; to require livestock markets to keep records of the receipt and sale of livestock with respect to the identity of livestock and furnish bills of sale to buyers; to authorize the adoption of rules and regulations to carry out the provisions of this Act; to require livestock markets to carry fire and windstorm insurance; to prescribe a penalty for violations including injunctive proceedings; and to repeal conflicting laws and fix a date on which said Act shall become effective.

H. 547. To further regulate the sale of livestock at public livestock auction markets by requiring the payment of the purchase price of livestock purchased at such markets on the day of purchase, to provide acceptable methods of payment for livestock purchased at public livestock markets; to require that such payments be deposited in a custodial bank account within a specified period of time; to require the registration of persons, other than bona fide farmers, who shall purchase livestock at a public livestock market; to authorize the adoption of rules and regulations to effectuate the purpose of this Act; to provide a penalty for violations of the Act; and to repeal conflicting laws.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 47. To amend the Title and Sections 1 and 2 of Act No. 2228, S. 134, 1971 Regular Session (Acts of 1971, p. 3585), entitled, "An Act To provide additional alternative procedures whereby incorporated municipalities with populations of two thousand (2000) or more may alter their corporate limits to incorporate into their boundaries certain contiguous unincorporated territory," so as to make the Act apply to all municipalities.

H. 218. To authorize the governing body of any county or the governing body of any municipality within the county to establish within the county or within the municipality ambulance service on a non-profit basis; to authorize the county to unite with any municipality within the county or two or more municipalities within the county, to unite with each other or together with the county, in the establishment of such ambulance service, making such service common for the use of the county or participating municipality or municipalities, and to

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authorize the providing of such service by contract; to authorize appropriations of public funds for such service by the county or any municipality; to authorize the charging of limited fees for such ambulance service; and to exempt such county and any municipality from tort liability while operating ambulances or providing ambulance service as authorized herein.

H. 284. To require the County Commission or like governing body of each of the several counties to make an annual publication on or before the 30th day of October of each year in a newspaper published in the county of an itemized report showing receipts, expenditures and financial condition of the county on a form to be prescribed by the Chief Examiner of Public Accounts of the State of Alabama and to repeal Sections 22, 23 and 24, of Title 12, Code of Alabama 1940, and to repeal all other conflicting laws local or general.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 342. (With Substitute): To adopt minimum standard building codes for the State of Alabama; to provide for the revision of these codes; to allow local modification of these codes; to authorize local governing bodies to enforce these codes; and to authorize the prescription and collection of the fees necessary to effect the enforcement of these codes, providing penalties for the violation of this act.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 423. To amend further Act No. 421, H. 627 of the Regular Session of 1959 (Acts 1959, p. 1113) as amended, which authorizes the district attorney of the Fifth Judicial Circuit to appoint a stenographic secretary, so as to adjust the compensation of such secretary.

H. 424. Relating to the Fifth Judicial Circuit of Alabama; to provide for an investigator who shall be furnished with an automobile and other equipment necessary for the performance of investigative duties; to prescribe the investigator's powers, duties and authority and to fix his compensation and provide for the payment thereof.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 515. (With Amendment): To increase the expense account for the district attorney and the court reporter of the First Judicial Circuit by \$225 a year.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 171. Relating to Washington County; declaring motor vehicles, boats, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

H. 294. Relating to Coosa County; to provide an expense allowance for the sheriff and to give the provisions of this Act retroactive effect.

H. 295. To repeal Act No. 432, S. 665, 1973 Regular Session (Acts of 1973, p. 625), and Act No. 583, H. 1603, 1973 Regular Session (Acts of 1973, p. 840), which are identical Acts and which are both entitled "An Act Relating to counties having populations of not less than 10,660 nor more than 10,900 according to the most recent federal decennial census; to provide for an expense allowance for the sheriff in such counties; to repeal conflicting laws."

H. 529. To amend Article X, Section 10.1 of Act No. 404, S. 430, Regular Session 1953 (Acts 1953, p. 472) providing for the Council-Manager form of government in cities having a population of not less than 30,000 nor more than 33,000 according to the most recent federal decennial census, so as to provide that the question of the abandonment of the Council-Manager form of government may not be re-submitted within two years after any other election thereon.

H. 530. Relating to Calhoun County; to relieve and exempt the license commissioner from personal liability for errors, mistakes and omissions of employees serving under him.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Morris to suspend the rules in order to bring up out of order the third reading of the bill, H. 212, was lost, lacking a four-fifths vote.

Yeas 67; Nays 26.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hill, Hines, Holley, Hopping, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, Lockett, Lutz, McMillan, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Starkey, Taylor, Trammell, Venable, Waggoner, Weeks, White and Williams.

—67

Nays:

Messrs.: Cooper, Edwards, Folmar, Harris, Harrison, Higginbotham, Hilliard, Holmes, Howard, Jackson (R), Kennedy, LeFlore, Leonard, Lewis, McCluskey, McNair, McNees, Merrill, Porter, Quarles, Reed, Smith (M), Teague, Tucker, Turnham and Warren.

—26

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Crowe withdrawn as co-sponsor to the bill, H. 251.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Sasser:

H. 595. To exempt the Ozark Service League from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Messrs. Biddle and Jackson (F):

H. 596. To designate the Eastern Diamondback Rattlesnake the official state snake of Alabama.

State Administration.

By Mr. Weeks (With Notice and Proof):

H. 597. To provide for additional compensation and method of payment of the Clerk of the Court of Marion County, Alabama, In Law.

Local Legislation No. 1.

Notice and Proof H. 597:

STATE OF ALABAMA
COUNTY OF MARION

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama, and application for its passage, and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for additional compensation and method of payment of the Clerk of the Court of Marion County, Alabama, In Law

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be the duty of the clerk of the court to keep a record upon which shall be recorded all affidavits made before the judge or clerk of said court, or returnable by a justice of the peace or judge of an inferior court in the county to the court; and if any affidavit should be lost or destroyed, a certified copy of the record shall be used the same as the original affidavit. For recording each affidavit, the clerk shall receive a fee of three dollars in all criminal cases and five in all civil case, to be taxed as costs.

Section 2. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARION

Before me, the undersigned authority in and for said County in said State, this day personally appeared Roger Quinn, who, being by

me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Marion County Journal, a newspaper of general circulation published in Marion County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 17, April 24, May 1, and May 8, all in the year 1975.

ROGER QUINN.

Sworn to and subscribed before me June 2, 1975.

ANN SIMS,
Notary Public.

By Mr. Weeks (With Notice and Proof):

H. 598. To make an appropriation from the Marion County treasury for the relief of Ray Howell.

Local Legislation No. 1.

Notice and Proof H. 598:

STATE OF ALABAMA
COUNTY OF MARION

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama, and application for its passage, and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation from the Marion County treasury for the relief of Ray Howell.

Be It Enacted by the Legislature of Alabama:

Section 1. The Marion County Commission is hereby authorized, empowered, and directed to appropriate the sum of \$67.21 for the relief of Ray Howell to compensate him for personal property damage sustained in an accident involving a truck owned by Marion County, which said accident occurred on or about the 2nd day of January, 1975, under such circumstances that said county is morally and justly obligated to pay damages, but the said Ray Howell has no recourse at law to recover the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARION

Before me, the undersigned authority in and for said County in said State, this day personally appeared Roger Quinn, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Marion County Journal, a newspaper of general circulation published in Marion County, Alabama, and that the attached notice was published in said newspaper once a week for

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four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 10, April 17, April 24, and May 1, all in the year 1975.

ROGER QUINN.

Sworn to and subscribed before me June 2, 1975.

ANN SIMS,
Notary Public.

By Mr. Weeks (With Notice and Proof):

H. 599. To make an appropriation from the Marion County treasury for the relief of Ronnie Cook.

Local Legislation No. 1.

Notice and Proof H. 599:

STATE OF ALABAMA
COUNTY OF MARION

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama, and application for its passage, and enactment will be made to-wit:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation from the Marion County treasury for the relief of Ronnie Cook.

Be It Enacted by the Legislature of Alabama:

Section 1. The Marion County Commission is hereby authorized, empowered, and directed to appropriate the sum of \$631.75 for the relief of Ronnie Cook to compensate him for personal property damage sustained in an accident involving the Marion County Sheriff's car, which said accident occurred on or about the 11th day of April, 1973, under such circumstances that said county is morally and justly obligated to pay damages, but the said Ronnie Cook has no recourse at law to recover the same.

Section 2. This Act shall become effective immediately upon its passage and upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARION

Before me, the undersigned authority in and for said County in said State, this day personally appeared Roger Quinn, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Marion County Journal, a newspaper of general circulation published in Marion County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 17, April 24, May 1, and May 8, all in the year 1975.

ROGER QUINN.

Sworn to and subscribed before me June 2, 1975.

ANN SIMS,
Notary Public.

By Messrs. Starkey, Sandusky, Albright, Sasser, Carothers, Martin, Kelley, Roberts, Callahan, Cross, Plaster, Smith (C), Moore (O), Trammell, Smith (M), Mitchem, Brindley, Carter, Boles, Smith (B), McCorquodale, Coburn, Jackson (F), Folmer, Crawford, Higginbotham, Taylor, Riddick, Andrews, Hopping, Campbell, Manley, Dial, Weeks, Jolly, Warren, Sparks, Robertson, Baker, McNees, Morris, McMillan, Quarles, Edwards, Malone, Greer, Reed, LeFlore, Hill, Hilliard, Holley, Ford, Howard, Pegues, Glass, Turnham, Kennedy, Smith (J), Gregg, Moore (W), Clark, Lee, Armstrong, Whitley, Sonnier, Owens, Teague, Drake, McCulley, Burgess, Falkenburg and Killian:

H. 600. Relating to the profession and practice of optometry; defining the practice and profession of optometry; providing for the licensing, examination, and regulation of optometrists; abolishing the State Board of Optometry; creating the Alabama Board of Optometry, and prescribing its powers, duties and authority; providing for the issuance of temporary licenses, limited licenses, licenses, license certificates and annual registration certificates, and prescribing the qualifications of persons to practice optometry; providing for the collection and disbursement of examination and other fees and charges; authorizing the Alabama Board of Optometry to examine applicants for licenses and license certificates, and to issue and deny licenses, and to conduct hearings and to initiate legal proceedings to impose sanctions against licensees for violating the provisions of this act; and providing for the enforcement of the act and prescribing penalties for violations thereof; repealing Chapter 11 of Title 46, Code of Alabama (1940) and any other laws which conflict with this act.

Health.

By Messrs. Carter and Moore (W):

H. 601. Relating to counties having a population of not less than 39,500 nor more than 41,750 inhabitants according to the most recent federal decennial census; to authorize private schools located in the largest municipality in such counties to participate in the recreation programs provided for by Act No. 527, H. 1330, Regular Session 1973 (Acts of 1973, p. 768), as amended, and to make the provisions of this Act retroactive.

Local Legislation No. 1.

By Messrs. Lee, Clark, Johnson, Smith (J) and Hall:

H. 602. Proposing an amendment to Article 4, Section 106 of the Constitution of Alabama to reduce the time required for publication of notice of local legislation and also dispensing with the requirement of spreading notice and proof of local legislation on the journals of each house by providing that the Clerk of the House or the Secretary of the Senate shall merely certify in the appropriate journal that notice and proof was attached to the local legislation and is attached as a matter of public record to the original copy of the bill filed in the Department of Archives and History.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Lewis, Wyatt, Holmes, Plaster and Harris:

H. 603. To provide adequate professional, administrative, and clerical personnel, together with necessary equipment and funding for the Office of the District Attorney for the Fifteenth Judicial Circuit.

Ways and Means.

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By Messrs. Malone, Drake, Robertson, Wyatt, Plaster, Sparks, Naramore, Hopping, Andrews, Coburn, Owens, Crowe, Boles, Smith (C), Johnson, Quarles and Burgess:

H. 604. To provide for the payment of the medical and hospital expenses of certain public employees resulting from injuries received in the line and scope of their duties and for the payment of their usual salaries or other compensation during the time they are disabled because of such injuries, and to authorize and direct the employing governmental agencies to pay or provide for the payment of such expenses and salaries.

Local Government.

By Mr. Malone:

H. 605. Providing that a teacher on continuing status may receive fifty percent of the state allocated salary while taking a year's leave of absence to upgrade his certificate or to advance his professional qualifications provided he signs an agreement to return to the system for at least two years or repay the total amount of salary received while on such leave; guaranteeing a teacher on such leave his same position upon his return to the school system.

Ways and Means.

By Mr. Malone:

H. 606. To allow a teacher who is on continuing status to continue membership in the retirement system while taking a year's approved leave of absence provided he pays a sum equal to the total contribution he would have made plus a four percent interest.

Ways and Means.

By Mr. Malone:

H. 607. To allow an out of state teacher who comes into the Alabama system to become a member of the retirement system by paying a sum equal to the contributions he would have made as a member plus a compound interest of eight percent for up to eight years previous service.

Ways and Means.

By Mr. Malone:

H. 608. To provide that a teacher shall be paid for all accumulated sick leave upon the termination of his employment or upon his retirement.

Ways and Means.

By Mr. Malone:

H. 609. To grant and provide for payment of an annual two thousand dollars cost of living pay raise to be paid teachers and to appropriate money for such purpose.

Ways and Means.

By Mr. Malone:

H. 610. To allow only classroom teachers in the determination of teacher units for pupil-teacher ratio in apportioning minimum school program fund.

Ways and Means.

By Mr. Malone:

H. 611. To provide further for the retirement of teachers under the Teachers Retirement System of Alabama, by allowing a member of such system to retire after twenty-five years of creditable service regardless of age or to retire at age fifty-five after twenty years of creditable service.

Ways and Means.

By Mr. Malone:

H. 612. To amend further Code of Alabama 1940, Title 52, Section 367, which relates to the general administration of the teachers' retirement system so as to include representatives of the American Federation of Teachers as members.

Ways and Means.

By Mr. Malone:

H. 613. To amend further Section 361 of Title 52 of the Code of Alabama 1940, as last amended, which relates to the state tenure commission so as to direct that the tenure commission have one member from both the Alabama Education Association and the American Federation of Teachers, AFL-CIO.

Education.

By Mr. Waggoner:

H. 614. To make an appropriation from the State General Fund to the Alabama Travel Council for the remainder of the fiscal year ending September 30, 1975.

Ways and Means.

By Mr. Callahan:

H. 615. Relating to regulation and certification of the use of electronic, mechanical or other devices for the purpose of detecting and evaluating psychological stress; granting powers to the Stress Analysts Board; providing for standards of qualifications of Stress Analysts; providing penalties for violating the provisions of this Act.

Health.

By Messrs. Drake and Sparks:

H. 616. To provide for a retirement system for the sheriffs of the various counties within the state.

Ways and Means.

By Mr. Johnson:

H. 617. To make an appropriation for capital outlay purposes at the University of Alabama, University, Alabama for the fiscal year ending September 30, 1975.

Ways and Means.

By Mr. Johnson:

H. 618. To make certain offenses against school properties, teachers and certain other persons crimes; and to prescribe penalties.

Education.

By Messrs. Venable, Smith (C), and Plaster:

H. 619. To further amend Section 1 of Act No. 81, H. 76, 1967 Special Session (Acts of 1967, p. 114, now appearing in Code of Alabama,

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Recompiled 1958, as Title 13, Section 125 (79a)) so as to provide that the secretary of the district attorney for the nineteenth judicial circuit of Alabama shall be paid the same salary as that of the top step position for a clerk stenographer three in state service.

Local Government.

By Messrs. Sandusky, Sonnier, Malone and Manley:

H. 620. To eliminate all previous earmarkings of state revenues for a particular purpose, except where the earmarking is to the State General Fund, or in instances where the earmarking has been for the purpose of backing bond issues, or where a specific constitutional provision allows earmarking of funds, and to direct all revenues which are no longer earmarked because of the provisions of this Act, to the State General Fund, and to prohibit the future earmarking of state revenues except where bond issues are to be backed by earmarked funds.

Ways and Means.

By Messrs. Kennedy, Reed, LeFlore, Porter, Jackson (R) and Hilliard:

H. 621. To amend the Code of Alabama, 1940, Title 46, Section 22, so as to provide that the state bar commissioners be elected by general electors from the state senatorial districts; such election to take place every two years in November, at the same time and place as the general election of United States congressmen; and providing that the bar commissioners so elected shall take office on the following January 1st.

Judiciary.

By Mr. Kennedy:

H. 622. To further amend the Code of Alabama 1940, Title 51, Section 15, as amended, relating to the exemption of homesteads from state ad valorem taxes, so as to raise the amount of exemption from \$2,000 to \$6,000 for all persons entitled thereto.

Ways and Means.

By Mr. Kennedy:

H. 623. To provide that the governing body of any municipality having a population of not less than 40,000 nor more than 50,000 according to the most recent Federal decennial census may appoint the chief of police from within or outside the police force, without regard to any civil service or personnel board rules or regulations concerning such appointment and providing that such governing body may fix the compensation of said chief of police and his status in any civil service system in such municipality.

Local Legislation No. 3.

By Mr. Kennedy:

H. 624. To repeal Act No. 1809, H. 2208, 1971 Regular Session (Acts of 1971, p. 2979), entitled "An Act To provide that residency within a municipality shall not be a prerequisite to employment by municipalities having populations of not less than 40,000 nor more than 45,000."

Local Legislation No. 3.

By Messrs. Kennedy, Malone, Cooper and Sonnier:

H. 625. To provide that contributory negligence shall not operate henceforth as a bar to recovery in actions for negligence, including

those actions in which the defendant has had the last clear chance to avoid the injury; providing that the damages awarded shall be diminished in proportion to the amount of negligence attributable to the injured party, or the deceased, or the owner of the property, or the person having control over the property; providing further for findings of fact or special verdicts.

Judiciary.

By Messrs. Kennedy, Malone, Cooper and Sonnier:

H. 626. To repeal Section 5 of Act No. 544, S. 501, 1957 Regular Session (Act of 1957, p. 765, now appearing in Code of Alabama, Recompiled 1958, as Title 7, Section 176 (5)).

Judiciary.

By Messrs. Johnstone, Malone, Lockett, Lewis, Smith (C), Kelley, Campbell, Pegues, Teague, McCluskey, Edwards, Hines, Venable, Sandusky, McMillan, Sonnier, McCulley, Crowe, Merrill, Roberts, Cross, Gafford, Carter, Boles, Lee, Armstrong, Clark, Johnson, Howard, Leonard, Jackson (R), Tucker, Hall, Porter, Jolly, Biddle, Goodwin, Lutz, Killian, Hill, Brindley, Holmes, Cates, Shelton, Smith (J), Folmar, Plaster, Riddick, Greer, Jackson (F), LeFlore, Burgess, Kennedy, Callahan and Owens:

H. 627. Relating to bonds required of witnesses; to amend Code of Alabama of 1940, Title 15, Sections 145, 146, and 147; to repeal Code of Alabama of 1940, Title 15, Section 148; and to provide penalties for failure of a witness to appear after posting bond.

Judiciary.

By Messrs. Whatley, Reed, Smith (J), Jackson (R), Baker, Manley, Smith (C), Carothers, Lutz, Merrill, McCluskey, Roberts, Moore (W), Johnstone, Turnham, McNair, Harrison, Carter, Smith (B), Ford, Morris, Hill, Teague, Higginbotham, Edwards, Holley, Crawford, Williams, Hopping, Hall, Porter, Sandusky, Lewis, Hines, LeFlore, Biddle, Shelton, Brindley, Tucker, White, Cooper, Holmes, Crowe, Owens, Jackson (F), Lockett, Coburn, Glass, Drake, Teague, Robertson, Johnson and Howard:

H. 628. To amend further Code of Alabama 1940, Title 14, Sections 331 and 334, as amended, so as to prescribe the value of property which may be the subject of the crimes of grand and petit larceny; to prescribe fines in addition to prison sentences for such crimes and to repeal all conflicting statutes.

Judiciary.

By Messrs. Hines, Morris, McMillan, Plaster, Johnstone, Folmar, Sonnier, Sandusky, Wyatt, Warren, Robertson, Jackson (F), Baker, Smith (M), Kinsey, Quarles, Kennedy, Higginbotham, Riddick, Cooper, Trammell, Hilliard, Whatley, Crawford, Kelley, Glass, Owens, McNair, Holley, Williams, Crowe, Manley, Mitchem, Venable, Malone, Taylor, Ford, Greer, Moore (O), Smith (C), Dial, McCluskey, Weeks and Starkey:

H. 629. To include members of the State Board of Pardons and Paroles or former members of said Board and Director of Physical Fitness Department under the State Employees' Retirement System; to provide that each member shall be eligible for coverage under the system from the date on which he assumed his office; also provides for necessary employee contributions and state appropriations.

Ways and Means.

By Mr. Kinsey (With Notice and Proof):

H. 630. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 630:

LEGAL NOTICE

A BILL
TO BE ENTITLED
AN ACT

To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1: That the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Gulf Shores, and, in addition thereto the following described territory, to-wit:

Commence at a point of the North line of Section 8, Township 9 South, Range 4 East where said North line intersects a northerly extension of the West R. O. W. line of West Street, as shown on a plat of WEST CANAL PINES UNIT OF GULF SHORES, BALDWIN COUNTY, ALABAMA (MB4, page 126) run thence Southwardly along and with the West R. O. W. line of said street to its intersection with the North R. O. W. line of the Intracoastal Canal, also as shown on said plat; turn thence to the left and run westwardly, and along the North R. O. W. line of the Intracoastal Canal to a point where the East R. O. W. line of Northwest First Street (as shown on said plat) intersects said North R. O. W. of the Intracoastal Canal; turn thence to the right and run northwardly along the East R. O. W. of said Northwest First Street and then along a northerly extension of said East R. O. W. to a point on the North line of said Section 8; turn thence to the left and run westwardly along the North line of said Section 8 (and which is also the South line of Section 5, Township 9 South, Range 4 East) to the Northwest corner of said Section 8 (and which point is also the Southeast corner of Section 6, Township 9 South, Range 4 East), continue thence along the South line of said Section 6 to the Southwest corner of said Section 6; turn thence to the right and run in a northerly direction, and along the west line of said Section 6 to the Northwest corner of the Southwest quarter of said Section 6, turn thence to the right and run eastwardly along the north line of the Southwest quarter of said Section 6, to the Northeast corner of the Southwest quarter of said Section 6 (and which point is also located on the West line of the East one-half of said Section 6), turn thence to the left and run northwardly and along the West line of the East one-half of said Section 6 to the Northwest corner of the East one-half of said Section 6, turn thence to the right and run Eastwardly along the North line of said Section 6 to the Northeast corner of said Section 6 (and which point is also the Northwest corner of Section 5, Township 9 South, Range 4 East), continue thence eastwardly along the North line of said Section 5 to the Northeast corner of the West one-half of said Section 5, turn thence to the right and run Southwardly along the East line of the West one-half of said Section 5 to the Northwest

corner of the Southeast quarter of said Section 5, turn thence to the left and run eastwardly along the North line of the Southeast quarter of said Section to the Southwest corner of the Southeast quarter of the Northeast quarter of said Section 5, turn thence to the left and run northwardly along the west line of the Southeast quarter of the Northeast quarter to the Northwest corner of said quarter-quarter, turn thence to the right and run eastwardly along the north line of said Southeast quarter of the Northeast quarter of Section 5 to a point on the East R. O. W. of West Street, as shown on a plat of GULF SHORES ACRE TRACTS SUBDIVISION (MB 4, pages 12 & 13), turn thence to the right and run Southwardly along the East R. O. W. of said West Street to the Northwest corner of Lot 34 of said Gulf Shores Acre Tracts Subdivision, turn thence to the left and run eastwardly along the North line of said Lot 34 to the Northeast corner of said Lot 34, continue eastwardly along an eastward extension of the north line of said Lot 34 to the Northwest corner of Lot 30 of said Gulf Shores Acre Tracts Subdivision, and also continue eastwardly along the north line of said Lot 30 to the Northeast corner of said Lot 30, turn thence to the right and run Southwardly along the east line of said Lot 30 to the Southeast corner of said Lot 30, turn thence to the right and run Westwardly along the South line of said Lot 30 to the Southwest corner of said Lot 30, continue Westwardly along a Westward extension of the South line of said Lot 30 to a point on the East line of said Lot 34 of Gulf Shores Acre Tracts Subdivision, turn thence to the left and run Southwardly along the East line of said Lot 34 to the Southeast corner of said Lot 34, turn thence to the right and run Westwardly along the South line of said Lot 34 to the Southwest corner of said Lot 34 (and which point is also located on the East R. O. W. line of said West Street), turn thence to the left and run Southwardly along the East R. O. W. of said West Street to the Northwest corner of Lot 37 of said Gulf Shores Acre Tracts Subdivision; turn thence to the left and run Eastwardly along the North line of said Lot 37 to the Northeast corner of said Lot 37 (and which point is also on the West R. O. W. of an un-named street, as shown on said plat of Gulf Shores Acre Tracts Subdivision), turn thence to the right and run Southwardly along the West R. O. W. of said un-named street (and also running along the East lines of Lots 37, 38, 39, 40, 41, 42, 43 and 44 of said Gulf Shores Acre Tracts Subdivision) to a point on the South line of said Section 5, turn thence to the right and run Westwardly along the South line of said Section 5 to a point where a Northwardly extension of the West R. O. W. line of West Street (as shown on a plat of said West Canal Pines Subdivision) intersects the South line of said Section 5 (and which is also the North line of said Section 8, Township 9 South, Range 4 East) which is the POINT OF BEGINNING.

Included in the above description are the following parcels of property showing on subdivision plats of record in the Baldwin County Probate Office:

In WEST CANAL PINES SUBDIVISION [MB 4, Page 126]

All of Block 1

In GULF SHORES ACRE TRACTS SUBDIVISION [MB 4, Page 12 & 13]

All of Lots 30, 34, 37, 38, 39, 40, 41, 42, 43, & 44.

Section 2: That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a "law."

Dated this 11th day of April, 1975.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
BALDWIN COUNTY

Spencer Longshore III, being duly sworn, deposes and says that he is the EDITOR of THE ONLOOKER, a Weekly Newspaper published at Foley, Baldwin County, Alabama, that the notice hereto attached of Boundary Line, Town of Gulf Shores was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication April 17, 1975;

Date of 2nd publication April 21, 1975;

Date of 3rd publication April 28, 1975;

Date of 4th publication May 5, 1975.

Subscribed and sworn before the undersigned this 6 day of May, 1975.

MARY A. DAVIS,
Notary Public, Baldwin County.
SPENCER LONGSHORE III,
Editor.

By Mr. Drake:

H. 631. To provide that full-time employees of the Alabama State Employees' Association may participate in the Employees' Retirement System subject to the rules, regulations, and conditions set out in Section 12 of Act No. 515 of the 1945 Legislature of Alabama (now appearing at Section 467 of Title 55, Code of Alabama 1940) as amended, for the participation of counties, cities, towns and public or quasi-public organizations.

Ways and Means.

By Mr. Holmes:

H. 632. Relating to preferential presidential primaries; to provide for the selection of delegates to the national convention of a political party; to provide for each presidential candidate's name to appear on the ballot; to give each presidential candidate the same percentage of votes on the first ballot at the party's national convention by the Alabama delegation that the candidate received during the primary election, thereafter allowing each delegate to become a free agent; to provide for a method of determining how the delegates vote for a candidate and a list thereof; and to provide for a distribution of votes by the delegates on the first ballot where no single candidate receives at least a certain percentage of votes in the primary election.

Constitution and Elections.

By Messrs. Holmes, Wyatt, Plaster, Jackson (R), Kennedy, Malone, Hilliard, Glass, Reed, Whatley, Albright, Crowe, Cross, Falkenburg, Lutz, Turnham, Warren, Riddick, Quarles, Robertson, Owens, Biddle, Smith (J), Cooper, Johnstone, Pegues, Dial, Teague, Callahan, Johnson, Clark, Hall, Porter, Tucker, Howard, Jolly, McNair, McCorquodale, Manley, Barron, Boles, Hopping, Leonard, White, Venable, Carothers, Smith (B), Drake, Sandusky and LeFlore:

H. 633. To authorize the state board of education to provide transportation for public school pupils, in grades one through six, who live

less than two miles from the school they are attending if the local county or city superintendent certifies the routes are dangerous or hazardous.

Ways and Means.

By Messrs. LeFlore, Kennedy, Kinsey, Glass, Starkey, McMillan, Malone, Johnstone, Cooper, Reed, Shelton, Plaster, Crowe, Gafford, Sandusky, Howard, Morris, Johnson, Clark, Callahan and Sonnier:

H. 634. To create a minimum speed limit upon any public highway in the State of Alabama unless there is a higher or lower limit required by any statute or ordinance.

Highway Safety.

By Messrs. Hines and Cooper:

H. 635. Providing that any prisoner who has been convicted of a crime using a firearm or other deadly weapon shall not be eligible for parole for a minimum of ten years, or the total length of his sentence, whichever is shorter.

Judiciary.

By Messrs. Hines and Cooper:

H. 636. To provide for review of the sentence of an offender when the punishment for that crime of which such offender was convicted is reduced.

Judiciary.

By Messrs. Falkenburg, Trammell, Andrews, Harrison, Jolly, Leonard, White, Moore (O), Biddle and McNair:

H. 637. To amend Act No. 639 of the Regular Session of the Legislature of Alabama of 1973 (Acts, 1973, pages 946-948), which Act levied an additional pistol permit fee in counties having a population of 500,000 or more, according to the last or any subsequent federal decennial census and established a Sheriff's Fund and a Legislative Fund, so as to provide for the appropriation by the county governing body of said funds.

Local Legislation No. 2.

By Messrs. Cooper, Mitchem, Warren, Dial, Barron, Wyatt, Lockett, Hines, Jackson (F), Pegues, Campbell, Smith (M), Venable, Morris, Plaster, Tucker, LeFlore, Kennedy, Malone, Harrison, Glass, Holmes, Manley, Drake, Merrill, Cross, Martin, Naramore, Moore (W), Carter, Gregg, Albright, McNeese, Quarles, Holley, Kelley, Edwards, Shelton, Moore (O), Taylor and Rich:

H. 638. An act relating to the development of small businesses; declaring the legislative intent to encourage state purchases from small businesses; requiring the Alabama Development office to assist small businesses and to otherwise coordinate activities relating thereto; providing that a meaningful percentage of state purchases and contracts be procured from small businesses; providing for interagency cooperation; providing for public hearings; requiring an annual report; authorizing appointment of an advisory council; providing an effective date.

State Administration.

By Mr. Callahan:

H. 639. To exempt the St. Vincent de Paul Society from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Messrs. Moore (O), White, McNees, Mitchem, Crowe, Wyatt, Campbell, Harrison, Gafford, Sasser, Quarles, McCluskey, Dial, Williams, Naramore, Clark, Johnstone, Kelley, Trammell, Carothers, Martin, Plaster, Roberts, Starkey, Smith (C), Andrews, Lutz, Falkenburg, Jackson (F), Boles, Folmar, McMillan, Waggoner, Hines, Sandusky, Teague, Goodwin, Rich, Taylor and Weeks:

H. 640. To provide that sod farming or the raising of sod grass for resale shall be treated for tax purposes or tax exemptions the same as other types of farming.

Ways and Means.

By Messrs. Smith (J) and Folmar:

H. 641. To provide that mere delinquency in making support payments pursuant to a divorce or separation decree rendered in this state shall not automatically terminate or otherwise adversely affect a person's child custody or child visitation rights.

Judiciary.

By Mr. Moore (O):

H. 642. To provide an expense allowance during the present term of office of the Governor.

Ways and Means.

By Messrs. Smith (M), Higginbotham and Turnham:

H. 643. To exempt the Huguley Water System in Lanett, Alabama, from the payment of all state, county, and municipal sales and use taxes.

Ways and Means.

By Messrs. Lee, Barron, Holmes, Weeks and Goodwin:

H. 644. To provide further for the registering of voters in the various counties of Alabama.

State Administration.

By Messrs. Lee, Barron, Johnson, Clark, Shelton, Harris, White, Cross, Roberts and Goodwin:

H. 645. To provide a system of permanent voter re-identification which shall have uniform statewide application; to require each voter who presents himself to vote in a general election to check a card, furnished by the county board of registrars to the election officials and verify or correct his address on such card; to require the registrars to record the fact that a voter presents himself to vote at a general election and whenever a qualified voter fails to present himself for three consecutive general elections, to suspend such voter's registration; to provide for the restoration after its suspension, of a voter's name to the list of registered voters; to amend Code of Alabama 1940, Title 17, Section 36, to conform to this act; and to repeal all laws, general, local or special providing for a different manner of voter re-identification or in anywise conflicting herewith, including specifically certain acts enumerated in this Act.

Constitution and Elections.

By Messrs. Johnstone, Cooper, Kennedy, Kinsey, Glass, Crowe, LeFlore, McMillan, Callahan, Malone, Robertson, Waggoner, Sonnier, Sandusky, Holmes, Armstrong, Boles, Carter, Hall, Johnson, Clark,

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Howard, Hopping, Jackson (R), Jolly, Falkenburg, Coburn, Teague, Harrison, Ford, Riddick, Greer, Sparks, Drake and Smith (M):

H. 646. To exempt certain sports organizations from all state, county and municipal taxes.

Ways and Means.

By Messrs. Shelton, Pegues, Manley, Campbell, Hines, McMillan, Folmar, Cates, Carothers, Smith (M), Whatley, Baker, Holley, Greer, McCluskey, Dial, Quarles, Weeks, Hill, Riddick, Goodwin, White, Andrews, Sasser, Plaster, Gregg, Venable, Malone, Kennedy, Burgess and LeFlore:

H. 647. To provide that it shall be a misdemeanor for any person to throw, dump or leave various types of litter, trash, rubbish or other debris on or within the limits of any public highway or thoroughfare or on the premises of any public place and to prescribe penalties for such violations; to provide that when such violations are committed from a motor vehicle, there is a presumption that the driver is the offender; to provide that when a law enforcement officer, upon proper notice of such violation, is negligent or derelict in his duty to enforce such provision, he shall be guilty of a misdemeanor and to prescribe penalty for such offense; to provide bounty in the amount of fifty percent of the penalty fine to any person other than an on-duty law enforcement officer who successfully presses charges for such violations; and to repeal Code of Alabama 1940, Title 23, Section 131, as amended, and Act No. 55, H. 190, Regular Session 1961 (Acts 1961, p. 1920) and all other conflicting statutes.

State Administration.

By Messrs. Shelton, Burgess, Sonnier, Sasser, Jackson (F), Folmar, Armstrong, Sandusky, Smith (C), Quarles, Weeks, Warren, Malone, McMillan, Kinsey, Waggoner, Carothers, Crawford, Holley, Morris, LeFlore and Greer:

H. 648. Relating to public schools with 4 or more teachers; prohibiting the state board of education from closing such schools by withholding funds or otherwise, except by approval of the local board of education.

Education.

By Messrs. Shelton, Burgess, Armstrong, Harris, Wyatt, Barron, Malone, McMillan, Kinsey, Cates, Carothers, Crawford, Quarles, LeFlore, Greer and Lee:

H. 649. To require that the salary, compensation and expense allowances of certain county, state, and municipal officials be published once a year.

State Administration.

By Messrs. Carothers, Crawford and Smith (J) (With Notice and Proof):

H. 650. To provide for the appointment of a full-time Deputy District Attorney and an additional clerk-secretary for the 20th Judicial Circuit. Also to provide for compensation of said Deputy District Attorney and clerk-secretary and to provide for salary increases for said positions. Duties and responsibilities to be established by the District Attorney.

Ways and Means.

Notice and Proof H. 650:

NOTICE OF PROPOSED LOCAL LEGISLATION

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for the appointment of a full-time Deputy District Attorney and an additional clerk-secretary for the 20th Judicial Circuit. Also to provide for compensation of said Deputy District Attorney and clerk-secretary and to provide for salary increases for said positions. Duties and responsibilities to be established by the District Attorney.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the position of a full-time Deputy District Attorney for the Twentieth Judicial Circuit for Houston County, Alabama. Such Deputy District Attorney shall be appointed by the District Attorney for said circuit with the duties and responsibilities of the position to be established by the District Attorney.

Section 2. The position created under subsection (1) of this section shall be compensated in the following manner: (a) Ten Thousand (\$10,000) Dollars yearly compensation from the state; (b) Four Thousand Five Hundred (\$4,500) Dollars yearly compensation from the general fund of Houston County, Alabama. The District Attorney is authorized to grant salary increases to said Deputy District Attorney at his discretion provided that, (1) said salary increases does not exceed 5 per cent of the total salary of the Deputy District Attorney within any twelve month period, and that, (b) total salary of said Deputy District Attorney does not exceed \$20,000 Dollars yearly. All increases in salary of the Deputy District Attorney shall be paid from the general fund of Houston County, Alabama. The total compensation herein shall be payable in equal monthly installments.

Section 3. The District Attorney of the Twentieth Judicial Circuit of Alabama is hereby authorized and empowered to appoint and proscribe the duties of an additional clerk-secretary who shall serve at the pleasure of the District Attorney of said circuit with the same duties and responsibilities as those of the office of clerk-secretary now in existence.

Section 4. The position created under subsection (3) of this section shall be compensated in the following manner: Five Thousand Three Hundred Fifty-Five (\$5,355; Dollars yearly compensation, payable in equal monthly installments from the general fund of Houston County, Alabama. The District Attorney is authorized to grant salary increases to said additional clerk-secretary's provided that, (a) said increases does not exceed 5 per cent of the said clerk-secretary's total salary within a twelve month period, and that, (b) total salary of said additional clerk-secretary does not exceed \$6,300 Dollars yearly. Said salary increases shall be paid from the general fund of Houston County, Alabama.

Section 5. Provided that if federal funding is available upon enactment of this section, such federal funding shall be used to pay the compensation of the full-time Deputy District Attorney as provided in subsection (2) of this section and the compensation of the additional clerk-secretary as provided in subsection (4) of this section. In the

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event that federal funding is not available upon enactment of this section; or if such federal funding is available and thereafter exhausted or otherwise unavailable, then the State of Alabama and the general fund of Houston County shall provide funding for said compensation as provided in subsection (2), and the general fund of Houston County shall provide funding for the compensation as provided in subsection (4) of this section.

Section 6. This act does not affect the status of the part-time Assistant District Attorney already serving in Houston County, Alabama.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

STATE OF ALABAMA
HOUSTON COUNTY

Before me, the undersigned authority in and for said County in said State, this day, personally appeared D. H. DOLSON, who is known to me and who, being by me first duly sworn, deposes and says: That he is ADVERTISING MANAGER of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 successive weeks, on the following dates. May 5, 12, 19, 26, 1975 in the Dothan Eagle, which said Dothan Eagle has a general circulation in the County in which it is published and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

D. H. DOLSON.

Sworn to and subscribed before me on this 2 day of June 1975.

SARAH C. BOYDE,
Notary Public.

My Commission Expires 2-8-78.

By Mr. Burgess:

H. 651. To provide for a retirement system for the sheriffs of the several counties within the State; to prescribe qualifications for the participants in such system; to prescribe regulations and procedures for participation in such system and to repeal conflicting statutes.

Local Government.

By Messrs. Harris, Barron, McCorquodale, Sonnier, Johnson, Robertson, Goodwin, Starkey, Weeks, Naramore, Drake, Campbell, Hill, Armstrong, Howard, Teague, Shelton, Roberts, Leonard, Cross, Callahan, Folmar, Venable, Sandusky, Cooper, Whatley, Kennedy, Glass, Jackson (F), Manley, Lee, Johnstone, Harrison, Pegues, Biddle, Merrill, Warren, Hines, Cates, Baker, Higginbotham, Dial, Lockett, Wyatt, Plaster, Holmes, Lewis, Smith (C), Smith (J), Kinsey, Malone, McCulley and LeFlore:

H. 652. To further amend Act No. 173, H. 311, Regular Session 1945, (Acts 1945, p. 304), so as to add a representative from AMVETS to the State Board of Veterans Affairs.

Military Affairs.

By Mr. Robertson:

H. 653. Further relating to commercial fishing in public waters in all counties having populations of not less than 18,500 nor more than 20,500; to authorize and provide for a commercial fisherman's helper for certain such fishermen; to provide for the issuance of permits for such helpers; to prescribe the fees for such permits; to provide for their collection and distribution; and to prescribe penalties for violations of this act.

Local Legislation No. 1.

By Mr. Robertson:

H. 654. Further relating to commercial fishing in public waters in all counties having populations of not less than 115,000 nor more than 150,000; to authorize and provide for a commercial fisherman's helper for certain such fishermen; to provide for the issuance of permits for such helpers; to prescribe the fees for such permits; to provide for their collection and distribution; and to prescribe penalties for violations of this act.

Local Legislation No. 1.

By Messrs. Harrison, Trammell, Moore (O), Riddick, Coburn, Ford, Johnstone, Taylor, Rich, Mitchem, Cross, Andrews, Sparks, Turnham, Starkey, Goodwin, Clark, Robertson, Holmes, Teague, Martin, Naramore, Merrill, Manley, Pegues, Harris, Campbell, Jackson (F), Glass, Cooper, McCulley, Sonnier, Callahan, Warren, Kennedy, Malone, Owens, Baker, Reed, Smith (M), Whatley, Higginbotham, Hines, Morris, Holley, Sasser, Crawford, Williams, Carothers, Smith (C), Smith (J), Cates, Venable, Kinsey, Plaster, Leonard, Hilliard, Jolly, Armstrong, Waggoner, Gafford, Brindley, Falkenburg, Biddle, McNair, Boles, Tucker, Hall, Hopping, Jackson (R), Carter, Lutz, Gregg, Smith (B), Greer, Hill, McNees, White, Johnson and Kelley:

H. 655. To exempt the Childrens' Village, Incorporated from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

RESOLUTIONS

The following resolutions were introduced;

By Mr. Starkey:

H. J. R. 76. COMMENDING THE CITY OF BRIDGEPORT UPON BEING NAMED A BICENTENNIAL COMMUNITY.

WHEREAS the City of Bridgeport in Jackson County has been selected a bicentennial community; and

WHEREAS the City of Bridgeport is the first town in the county to be selected to receive the bicentennial flag; and

WHEREAS this recognition is due to the patriotism of its people; and

WHEREAS the loyalty of the citizens of Bridgeport is an example to be followed by the other communities in the county; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the City of Bridgeport upon being named a bicentennial community.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the governing body of the City of Bridgeport.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 76, on the Clerk's desk for one legislative day.

Also:

By Mr. Johnson:

H. J. R. 77. CONGRATULATING MRS. AUDREY P. CLEMENTS UPON RETIREMENT.

WHEREAS Mrs. Audrey P. Clements of Tuscaloosa is retiring after forty-nine and one half years of teaching; and

WHEREAS Mrs. Clements devoted thirty-two years of her service to the Holt Elementary School; and

WHEREAS her youthful outlook, vivacity and warm personality serve as an inspiration to all with whom she came in contact; and

WHEREAS a recital of her many accomplishments would be incomplete without the inclusion of the many contributions which Mrs. Clements has made to the thousands of students whose lives were influenced by her teaching and wise counsel, and who will long remember her many personal kindnesses and quiet understanding; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this Legislature does congratulate Mrs. Audrey P. Clements upon her retirement and does commend her for her services and activities over the years.

BE IT FURTHER RESOLVED, That this Legislature does wish for her a long and continued life of happiness in her retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Audrey P. Clements.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 77, on the Clerk's desk for one legislative day.

Also:

By Messrs. Smith (M), Turnham and Dial:

H. R. 78. WISHING THE SPEEDY RECOVERY OF MAYOR PECK CAUTHEN.

WHEREAS, Mayor Peck Cauthen has been a prominent citizen of Randolph County for many years; and

WHEREAS, he has done much more than his pro rata share to promote the good life and well being of his fellow man; and

WHEREAS, he has served unselfishly and without remuneration or hope of worldly gain; and

WHEREAS, it has recently come to the attention of the State that Mayor Peck Cauthen has succumbed to ill health and is now recuperating;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That it does hereby take this opportunity to express grateful appreciation to Mayor Peck Cauthen for his public contributions; and

BE IT FURTHER RESOLVED, That the State does wish him a rapid and immediate recovery; and

BE IT EVEN FURTHER RESOLVED, That upon recovery, the State does request that Mayor Peck Cauthen re-enter public life and resume his traditional place of leadership.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 78, on the Clerk's desk for one legislative day.

Also:

By Mr. Biddle:

H. J. R. 79. CONCERNING THE RIGHT TO BEAR ARMS.

WHEREAS the basic principles of freedom and sovereignty recorded in the annals of our history have been assured by the heroic sacrifice of volunteer riflemen who were adept in the use of firearms; and

WHEREAS the military forces of our country have time and time again called upon the trained citizen soldiers of our great State to aid in the defense of our nation; and

WHEREAS the person of criminal intent is not interested in vague, unenforceable gun laws; and

WHEREAS gun laws today, as they all too often exist at the federal, state, and local levels of government, frequently resolve into a conglomeration of contradictory mandates that are difficult if not impossible to effectively and impartially enforce; and

WHEREAS ill-planned, restrictive gun laws consistently disarm and bind the law-respecting citizen, eliminating any possibility of his assisting in the daily fight against crime by placing him in a passive pose wherein he is unable to protect himself, family or premises; and

WHEREAS Article I, section 26 of the Alabama State Constitution guarantees that every citizen has a right to bear arms in defense of himself and the State; now therefore,

BE IT RESOLVED, BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recommend that all gun laws in the State of Alabama be codified with the clear intent of protecting the right of Alabama citizens to acquire, own, possess, transport and lawfully use firearms.

BE IT FURTHER RESOLVED, That we recommend strong enforcement of existing laws and additional penalties for the use of a firearm in a crime.

The resolution, H. J. R. 79, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Lee:

H. R. 80. GRANTING UNANIMOUS CONSENT TO PROVIDE THAT HOUSE BILL 293, WHICH PROPOSES A NEW CRIMINAL CODE, NEED NOT COMPLY WITH THE PROVISIONS OF JOINT

RULES 12 and 13 OR ANY OF THE RULES OF THE HOUSE WHICH REQUIRE THAT BILLS BE ON PAPER THAT HAS NUMBERED LINES AND BE DOUBLE SPACED.

WHEREAS House Bill 293 which proposes an entire new criminal code for the State of Alabama was prepared by the law institute at the University of Alabama long before the Legislature adopted Joint Rules 12 and 13 and the individual House Rule that requires that all bills be typed on paper that has numbered lines and be double spaced; and

WHEREAS the retyping of this bill would necessitate retyping of over 200 pages; and

WHEREAS the bill is in a very legible and understandable form; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That they do grant unanimous consent that House Bill 293 or any substitute therefor or amended version thereof need not comply with the provisions of Joint Rules 12 and 13 or the provisions of any separate rule of the House which requires that bills be typed on paper having numbered lines and be doubled spaced.

The resolution, H. R. 90, was read and referred to the Standing Committee on Rules.

RESOLUTION

The following resolution introduced on the third legislative day was read by title pursuant to Joint Rule 11:

H. J. R. 53. COMMENDING TAYLOR WILKINS FOR 28 YEARS OF SERVICE TO BALDWIN COUNTY AS SHERIFF.

On motion of Mr. Crowe, the resolution was adopted.

RESOLUTIONS

The following resolutions introduced on the fourth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 63. CONGRATULATING MICHAEL RICHEY.

H. J. R. 64. CONGRATULATING W. L. HOWELL AND SON FOR HAVING THE TOP DAIRY HERD.

H. J. R. 66. MOURNING THE DEATH OF MRS. JOHNNIE MAE DAVISON.

H. J. R. 67. COMMENDING THE PHENIX CITY LIONS CLUB FOR THEIR EFFORTS IN PROMOTING THE ALONZO STAGG BOWL.

H. J. R. 68. COMMENDING THE ATHLETIC DEPARTMENT AND ATHLETIC DIRECTOR DOUG KEY FOR THE OUTSTANDING ACCOMPLISHMENTS IN THE FIRST YEAR FOR ATHLETICS AT CHATTAHOOCHEE VALLEY COMMUNITY COLLEGE IN PHENIX CITY.

H. J. R. 70. CONGRATULATING MARTY SARGENT.

H. J. R. 71. CONGRATULATING BRENT GURGANUS.

H. J. R. 72. CONGRATULATING MICHAEL HARBISON, JR.

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H. J. R. 73. CONGRATULATING LAWRENCE SIDES.

H. J. R. 74. MOURNING THE DEATH OF GEORGE H. BRYANT.

H. R. 75. WISHING THE SPEEDY RECOVERY OF REVEREND TERRELL WHALEY.

S. J. R. 15. EXPRESSING THANKS TO CLEMENT C. SAWTELL FOR THE PRESENTATION TO THE STATE OF THE FLAG OF THE C. S. S. ALABAMA.

On motion of Mr. Crowe, the resolutions were adopted en masse.

BILLS ON THIRD READING

And the bill:

H. 258. Relating to Chambers County; to authorize and permit persons who are drawing retirement from the state to be employed on a part-time basis by the county; to prescribe certain limitations thereon and to repeal conflicting statutes.

Having been postponed on the fourth legislative day, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Cross, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—75

And the bill:

H. 111. Relating to Russell County; to provide for the employment of clerks, secretaries, and clerical assistants to perform duties in the county offices located in the county courthouse and to provide for the employment of jailers for the county jail; and to provide for the salaries of all such employees.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster,

Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—81

And the bill:

H. 131. To alter, rearrange and extend the boundary lines and corporate limits of cities having a population of not less than 5,550 nor more than 5,700 inhabitants that lie within counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census.

Was taken up.

Mr. Brindley offered the following amendment to the bill, H. 131:

Amend H. B. 131 by inserting in Section 1 between the words "inhabitants and that" the words and phrases as follows: according to the most recent federal decennial census.

And the amendment was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

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And the bill, H. 131 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—82

And the bill:

H. 290. To amend further the title and Section 1 of Act No. 394, H. 828, Regular Session 1961 (Acts 1961, p. 406), as amended, so as

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to further provide for deputies and assistants to the sheriff of Lee County; giving this act retroactive effect.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McNair, McNeese, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, and Wyatt.

—83

And the bill:

H. 313. To authorize and provide for a referendum in St. Clair County to determine the sentiment of the voters relative to whether the chairman of the county commission shall be elected or the judge of probate shall be ex officio a member and the chairman of the commission; and to provide for filling the chairmanship of the governing body in the manner favored by the voters of the county at such referendum.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McNair, McNeese, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—86

And the bill:

H. 328. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Grimes in Dale County.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper,

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Crawford, Cross, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, LeFlore, Lewis, Lockett, Lutz, McCulley, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—80

Nay: Mr. Carothers.

—1

And the bill:

H. 438. Relating to Marshall County: To authorize the Jury Commission of Marshall County to meet and attend to its duties for a period of ninety days per year, and to provide and authorize for the payment of salary, compensation and expenses of members of the Jury Commission.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—85

And the bill:

H. 439. Relating to Marshall County, granting the county board of education the discretionary power to set the salary of the county superintendent of education, and providing also that said superintendent shall receive any increase in salary as may be granted to the teachers of said county.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser,

Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—82

And the bill:

H. 440. To authorize the county commission of Marshall County to provide for the relief of Bobby Joe King for the payment of medical expenses due to bodily injuries incurred in the line of duty while a Deputy Sheriff in the Marshall County Sheriff's Department.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNeas, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—82

And the bill:

H. 441. Relating to the coroner's office in Franklin County; to provide for the coroner to appoint a deputy coroner; to prescribe the duties and compensation of said office; to provide for an increase in the compensation of the coroner's secretary and to repeal all conflicting statutes.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Dial, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McNeas, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—84

And the bill:

H. 487. To amend Sections 2, and 6 of Act No. 1703, H. 2502 of the 1971 Regular Session (Acts 1971, p. 2862), entitled, "An act to establish a Sumter County court of record for Sumter County, Alabama,

to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure for said court; to provide a fine and forfeiture fund for said court; and to abolish the county court of Sumter County, Alabama," so as to provide an expense allowance for the judge of said court, and to increase the jurisdictional amount of said court.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Dial, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—87

And the bill:

H. 514. Relating to Tuscaloosa County; to provide for a uniform compensation schedule for all law enforcement officers in the sheriff's department in said county.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—87

And the bill:

H. 274. Relating to Limestone County; to provide further for the salary and meetings of the board of education.

5th Day

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Kelley, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNeese, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—85

And the bill:

H. 275. Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to provide for paying the expenses of deputy sheriffs attending any school or training program where their expenses are not otherwise provided for by law.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNeese, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—88

And the bill:

H. 276. Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to authorize the county governing body of such counties to appropriate public funds to the use of rescue squads incorporated under the nonprofit corporation laws of this state.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn,

Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—88

And the bill:

H. 277. To provide in all counties having populations of not less than 39,500 nor more than 41,750 according to the most recent federal decennial census, for the rate of publication of any quarterly or annual report published by the county governing body.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—84

And the bill:

H. 278. Relating to counties having populations of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to limit the liability of sheriffs for the acts of his deputies where he does not participate or where they do not act under his direction and control; to authorize the employment of an attorney out of county funds to advise and represent the sheriff.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C),

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Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—87

And the bill:

H. 279. Relating to Limestone County; to empower the several district commissioners on the county commission or other like governing body to authorize the opening of any grave within their district for the interment services of deceased individuals and to repeal all conflicting statutes.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNeas, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—89

And the bill:

H. 280. (With Amendment): To provide further for the compensations and expense allowances of certain officers of Limestone County.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend House Bill 280 in Section 2, line 35 of page 1, insert after the words and figure: "office," the following:

as provided in the Amendment to the Constitution of 1901, proposed by Act No. 748, S. 476, (Acts 1951, p. 1298) and proclaimed ratified May 16, 1952, known as the "Boutwell Amendment" (Amendment 92),

And the amendment was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNeas,

Malone, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—86

And the bill, H. 280 as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—87

And the bill:

H. 462. To provide an expense allowance for each member of the county commission of all counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census, which shall supercede any provision heretofore made for expense allowances of such commissions; and providing that the provisions of this Act shall have a retroactive effect.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—90

UNFINISHED BUSINESS

The House then proceeded to the consideration of the Unfinished Business.

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And the bill:

H. 127. To provide that any bona fide citizen of the state who is over 65 years of age shall be exempt from paying any tuition at any state supported institution of higher learning.

Was again taken up.

MOTION TO TABLE LOST

The question was on the motion offered by Mr. Turnham to table the amendment previously offered by Mr. Albright to the bill, H. 127, and the motion was lost.

Yeas 37; Nays 46.

Yeas:

Messrs.: Baker, Brindley, Campbell, Cates, Coburn, Cooper, Crawford, Drake, Folmar, Glass, Goodwin, Gregg, Higginbotham, Hines, Holmes, Howard, Jackson (F), Johnstone, Killian, Kinsey, LeFlore, McCulley, McNees, Mitchem, Moore (O), Moore (W), Owens, Reed, Roberts, Sasser, Smith (M), Teague, Turnham, Waggoner, Warren, Weeks and White.

—37

Nays:

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Callahan, Carothers, Clark, Cross, Edwards, Falkenburg, Greer, Hill, Hilliard, Holley, Hopping, Jolly, Kelley, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McNair, Manley, Martin, Merrill, Morris, Naramore, Pegues, Quarles, Rich, Riddick, Robertson, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Taylor, Tucker, Venable, Williams and Wyatt.

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AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Mr. Albright to the bill, H. 127, and the amendment was adopted.

Yeas 61; Nays 26.

Yeas:

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Boles, Campbell, Carothers, Clark, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Hopping, Howard, Kelley, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Quarles, Rich, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Sparks, Starkey, Taylor, Teague, Tucker, Venable, Waggoner and Wyatt.

—61

Nays:

Messrs.: Baker, Brindley, Callahan, Cates, Coburn, Cooper, Crawford, Glass, Goodwin, Higginbotham, Holmes, Jackson (F), Johnstone, Killian, LeFlore, McCulley, Reed, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Turnham, Warren, Weeks and Williams.

—26

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Mr. Manley to indefinitely postpone the bill, H. 127 as amended, was lost.

Yeas 38; Nays 51.

Yeas:

Mr. Speaker, Armstrong, Barron, Biddle, Burgess, Callahan, Campbell, Clark, Edwards, Falkenburg, Gafford, Greer, Gregg, Hill, Hilliard, Holley, Jackson (R), Jolly, Lee, Lockett, Lutz, McCluskey, McNair, Manley, Martin, Merrill, Moore (W), Morris, Naramore, Owens, Pegues, Riddick, Roberts, Sandusky, Shelton, Smith (B), Sonnier and Tucker.

—38

Nays:

Messrs.: Andrews, Baker, Brindley, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Drake, Folmar, Ford, Glass, Goodwin, Hall, Harris, Higginbotham, Holmes, Hopping, Howard, Jackson (F), Johnstone, Kelley, Kennedy, Killian, LeFlore, Leonard, McCulley, McNees, Malone, Mitchem, Plaster, Quarles, Reed, Rich, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley and Williams.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Weeks, Folmar, Carothers, Drake, Edwards, Whatley, Kennedy, Williams, Smith (M), Warren, Carter, Killian, McNees, Goodwin, Sasser, Falkenburg, Leonard, Venable, Starkey, Harris, Plaster, Ford, Hines, Kinsey, Quarles, Brindley, Smith (C), Crawford and Jackson (F) added as co-sponsors to the bill, H. 127.

H. 127 POSTPONED

On motion of Mr. Manley, the bill, H. 127 as amended, was postponed to the eighth legislative day.

Yeas 52; Nays 40.

Yeas:

Mr. Speaker, Armstrong, Barron, Biddle, Burgess, Campbell, Clark, Coburn, Cross, Edwards, Falkenburg, Gafford, Greer, Gregg, Hill, Hilliard, Holley, Jackson (R), Jolly, Kelley, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Sonnier, Sparks, Taylor, Tucker, Venable, Waggoner, White and Wyatt.

—52

Nays:

Messrs.: Andrews, Baker, Brindley, Callahan, Carothers, Carter, Cates, Cooper, Crawford, Drake, Folmar, Glass, Goodwin, Hall, Harris, Higginbotham, Holmes, Hopping, Howard, Jackson (F), Johnstone, Kennedy, Killian, LeFlore, McNees, Malone, Moore (O), Plaster, Quarles, Reed, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Turnham, Warren, Weeks, Whatley and Williams.

—40

RESOLUTION

The following resolution was introduced:

By Messrs. Holmes, Morris and Harris:

H. J. R. 81. Resolution mourning death of Coach Pete Lee, of Lee High School.

Whereas, Coach Pete Lee reflected the uncommon endowments of foresight, perseverance, and capacity for intelligent leadership and he shall be missed keenly by his players, fellow coaches, colleagues and host of friends in all walks of life to whom he gave so generously of his talents and friendship; and

Whereas, Coach Lee's youthful outlook, veracity and warm personality served as an inspiration to all whom he came in contact;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Coach Pete Lee of Lee High School of Montgomery and express our deep and sincere sympathy to his widow and family to whom copies of this resolution shall be sent.

On motion of Mr. Holmes, the rules were suspended and the resolution, H. J. R. 81, was adopted.

ADJOURNMENT

On motion of Mr. Higginbotham, the House adjourned until 3:00 o'clock p. m., Tuesday, June 10, 1975.

Yeas 50; Nays 43.

Yeas:

Mr. Speaker, Baker, Biddle, Burgess, Callahan, Carothers, Carter, Curn, Cooper, Crowe, Drake, Edwards, Falkenburg, Folmar, Goodwin, Harris, Harrison, Higginbotham, Hilliard, Holley, Hopping, Howard, Jackson (F), Jackson (R), Jolly, Kelley, Kennedy, Lee, LeFlore, Lewis, McCulley, McNair, McNees, Manley, Martin, Merrill, Moore (W), Owens, Quarles, Sandusky, Sasser, Smith (B), Smith (M), Sparks, Taylor, Tucker, Waggoner, Warren, Weeks and Williams.

—50

Nays:

Messrs.: Andrews, Armstrong, Barron, Boles, Brindley, Campbell, Cates, Clark, Crawford, Cross, Ford, Gafford, Gregg, Hall, Hill, Johnson, Johnstone, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, Malone, Mitchem, Moore (O), Morris, Naramore, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Smith (C), Sonnier, Starkey, Trammell, Turnham, Venable, Whatley, White and Wyatt.

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SIXTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, June 10, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Roger S. Dorsett, Pastor, First Baptist Church, Vernon, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the fifth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifth legislative day was approved.

BILLS ON SECOND READING

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 557. To amend Section 44(2) of Title 8, Code of Alabama 1940, Recompiled 1958, so as to make it unlawful for any person to back date a hunting or fishing license.

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H. 562. To amend Act 1515, Acts of Alabama, 1971 Regular Session, p. 2629, pertaining to the issuance of annual resident state and county hunting licenses so as to clarify when a hunting license is not required, and by adding thereto as Section 3 thereof the penalty for hunting without the required license.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 588. (With Amendment): To amend Act No. 1980, Acts of Alabama, 1971 Regular Session, p. 3222, pertaining to annual resident fishing licenses so as to remove the sentence referring to borrowing, lending or altering said licenses.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 442. To make a supplemental appropriation to the Department of Conservation and Natural Resources, Divisions of Game and Fish and Water Safety.

H. 575. To amend Section 57 of Title 8, Code of Alabama 1940, which relates to the appointment of deputy game and fish wardens, so as to require a fee of Fifty Dollars (\$50.00) for such appointments.

H. 473. To amend Title 8, Section 93 (3), Code of Alabama 1940, as amended, so as to remove the prohibition against using salt licks for the purpose of capturing or killing birds or animals in the State of Alabama; to legalize the use of scaffolds for the killing of deer.

H. 469. To amend Section 87 of Title 8, Code of Alabama 1940, as amended, pertaining to the penalty for hunting during closed seasons.

H. 470. To amend Section 106 of Title 8, Code of Alabama 1940, as amended, pertaining to the penalty for killing domestic animals while hunting.

H. 468. To make unlawful the use of an artificial light to spot or locate wildlife while having in possession any device with which wildlife could be killed except as provided by regulations of the Commissioner of the Department of Conservation and Natural Resources; to provide the penalty.

H. 472. To amend Act No. 2309, Acts of Alabama, 1971 Regular Session, p. 3731, pertaining to hunting deer from public waters in this state, or at night, so as to provide for the confiscation and forfeiture of all equipment used in committing said offenses.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 107. To provide for an increase in the compensation of the bailiffs of the circuit court of the 26th judicial circuit.

H. 231. Relating to expense allowances of county officials in Tuscaloosa County.

H. 241. Relating to expense allowances of county officials in Tuscaloosa County.

H. 344. Relating to Autauga County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in certain jails of the county, and providing for a rehabilitation board to supervise and administer the rehabilitation process of this Act; to provide further for the carrying out of the provisions of this Act; and to provide penalties for violation of this Act.

H. 528. To alter, rearrange and extend the boundary lines and corporate limits of the city of Ozark in Dale County.

H. 594. To alter, re-arrange and extend the boundaries of the Town of Kinsey, in Houston County, Alabama.

H. 597. To provide for additional compensation and method of payment of the Clerk of the Court of Marion County, Alabama, In Law.

H. 598. To make an appropriation from the Marion County treasury for the relief of Ray Howell.

H. 599. To make an appropriation from the Marion County treasury for the relief of Ronnie Cook.

H. 653. Further relating to commercial fishing in public waters in all counties having populations of not less than 18,500 nor more than 20,500; to authorize and provide for a commercial fisherman's helper for certain such fishermen; to provide for the issuance of permits for such helpers; to prescribe the fees for such permits; to provide for their collection and distribution; and to prescribe penalties for violations of this act.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 188. (With Substitute): Relating to the unincorporated community of Arrowhead in Montgomery County; providing that whenever the owner of an unoccupied lot fails or refuses to mow the grass and weeds thereon and/or collect debris therefrom any person in the community can have it done and send the lot owner the bill for the reasonable cost of such services, which shall become a lien upon the real property.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 186. (With Amendments): Relating to Montgomery County: To authorize and establish the office of warrant magistrate; to provide for the appointment of three warrant magistrates; to provide for the qualifications of persons holding such offices, duties of said offices and the compensation and method of payment of same; to repeal conflicting laws.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Crowe and Smith (M):

H. 656. To amend Section 2, of Act No. 91, H. 70, 1961 Regular Session (Acts of Alabama, 1961, p. 105); Now appearing in the Code of Alabama 1940, Recompiled 1958, Title 49, Section 17 (31c), relating to the authority of the Commissioner of the State Department of Pensions and Security to destroy certain obsolete records, so as to reduce the retention requirement on certain case record material from ten to five years.

State Administration.

By Messrs. Crowe and Smith (M):

H. 657. To amend Section 3 and to amend further Section 4, as amended, of Title 27, Code of Alabama 1940, relating to adoptions, so as to further regulate consent for adoption of a child and notice of adoption proceedings; to correct certain technical errors in said Section 4; and to specify the age at which an adopted child may obtain information relative to his adoption from the state registrar of vital statistics.

State Administration.

By Messrs. McCulley and Crowe:

H. 658. To amend Section 25 of Act No. 1, Regular Session 1945 (Acts of Alabama 1945, p. 1), by increasing the permit fee for oil and gas wells and to provide for the disposition of permit fees, penalties and publication fees in the Oil and Gas Fund.

Ways and Means.

By Messrs. Turnham, Carothers, Whatley, Baker, Crawford, Smith (C), and Cross:

H. 659. To make appropriations from the state treasury to the use of the Board of Trustees of Auburn University located in Auburn, Alabama for capital outlay purposes.

Ways and Means.

By Messrs. Williams, Sasser, Turnham, Jackson (F), Holley, Smith (J), Folmar, Baker, Crawford, Whatley, Carothers and Reed:

H. 660. To name the gymnasium at George C. Wallace State Community College after Mrs. Annie Lee Cherry.

State Administration.

By Messrs. Coburn, Carter, Starkey and Goodwin:

H. 661. Relating to taxation: exempting the International Fertilizer Development Center, an Alabama nonprofit corporation, and its property from state, county and municipal taxes, licenses, fees and excises, under certain prescribed conditions.

Ways and Means.

By Messrs. Coburn, McNees, Carter, Starkey and Goodwin:

H. 662. To transfer the LaGrange Historical Site owned by the LaGrange Historical Commission of the State of Alabama to the Alabama Historical Commission.

State Administration.

By Mr. Biddle:

H. 663. To amend sections 39 and 40 of Title 8, Code of Alabama 1940, as amended, relating to non-resident fishing licenses.

Conservation.

By Mr. McCluskey:

H. 664. Providing for the licensing of insurance premium finance companies; imposing powers and duties on the Commissioner of Insurance; providing for regulation of such companies in the rates and charges permissible and penalties for violations of this Act.

Insurance.

By Mr. Biddle:

H. 665. To make a supplemental appropriation to the Department of Conservation and Natural Resources, Division of Marine Resources.

Ways and Means.

By Mr. Biddle:

H. 666. To amend Act No. 751, Acts of Alabama, 1965 Regular Session, relating to the cost of purchasing non-resident hunting licenses.

Conservation.

By Messrs. Johnson and Roberts:

H. 667. To provide for a refund of any motor vehicle fuel tax collected on motor fuels used in any vehicle owned or operated by a city or county school board; to grant the commissioner of revenue rule-making power to implement the provisions of this act; and to prescribe penalties for violations of any provisions of this act.

Ways and Means.

By Messrs. Robertson and Johnson:

H. 668. Relating to cancellation of employment contracts of full-time, non-certified employees under the supervision and control of the State Board of Education or the city or county boards of education.

Education.

By Messrs. Drake and Sparks:

H. 669. To amend Section 5, Title 7, Code of Alabama 1940, heretofore amended by Act No. 125, Regular Session of the Legislature, 1949, (Acts of Alabama, 1949, p. 150), and by Act No. 1510, Regular Session of the Legislature, 1971 (Acts of Alabama, 1971, Volume IV, p. 2595), said section relating to judicial records; to correct a mistake in said section by deleting the word "court" and inserting in lieu thereof the word "course."

Judiciary.

By Messrs. Drake and Sparks:

H. 670. To authorize the registers and clerks of the circuit court of this state to dispose of all documents and papers filed in all cases in which a final judgment or decree has been rendered more than twenty years prior to such disposition; requiring that the consolidated trial docket sheet of such case be permanently maintained.

Judiciary.

By Messrs. Drake and Sparks:

H. 671. To authorize the registers and clerks of the circuit courts of this state to destroy all exhibits offered and received in evidence in civil, criminal and equity cases on or after one year from the final disposition of the case in which they were offered and received.

Judiciary.

By Mr. Drake:

H. 672. To amend Sections 3 and 6 of Act 566, Regular Session of the Legislature, 1969 (Acts of Alabama 1969, Volume II, p. 1046), as amended by Act 1125, Regular Session of the Legislature, 1973 (Acts of Alabama 1973, Volume IV, p. 1893), the title of which original act is "To provide for Supernumerary Clerks of the Circuit Courts and Registers of said Courts, in Equity, in the various counties of the state of Alabama having a population of less than 600,000 population, according to the last federal census, describing their duties, setting up the requirements and qualifications, fixing their compensation, status and tenure of office, and providing for the payment of their salaries," and providing for an increase in the annual salary percentage, and by increasing the minimum and maximum salary allowed for such supernumerary officials; and providing for an additional period of election to become eligible to be covered under the provisions of the act.

Ways and Means.

By Messrs. Drake and Sparks:

H. 673. To amend subsections (paragraphs) 3, 4, 16 and 18, and to delete subsections (paragraphs) 8 and 9, of Section 198 (a), Title 13, Code of Alabama 1940, as heretofore amended by Act No. 617, Regular Session of the Legislature, 1947 (Acts of Alabama 1947, p. 465) and by Act No. 63, Special Session of the Legislature, 1961, (Acts of Alabama 1961, Vol. II, p. 1936), which section relates to the duties of the circuit clerks so as to further clarify and define the duties of such clerks; to specify the records required to be maintained by such clerks; to specify the reports and accountings required to be made by such clerks.

Ways and Means.

By Messrs. Sonnier and Sandusky:

H. 674. To amend Section 1 of Act No. 1289, S. 723, Regular Session 1973 (Acts 1973, p. 2201-2202, now appearing in Code of Alabama, Recompiled 1958, Title 36, Section 64), as amended, so as to increase the cost of a temporary instruction or learner's permit for driving to one dollar; to extend the use of this permit to one year; and to increase the cost for the fifteen year old instruction permit to one dollar.

State Administration.

By Messrs. Sonnier and Sandusky:

H. 675. To amend Section 7 of Act No. 703, H. 544, 1951 Regular Session (Acts of Alabama, 1951, Vol. II, p. 1211), relating to the authority of the county boards of pensions and security to appoint county directors so as to make the appointing of county directors a joint responsibility of the commissioner of the state department of pensions and security and the county boards and to prohibit transfer of a county director without his consent.

State Administration.

By Mr. Clark:

H. 676. To amend Title 36, Section 67, Code of Alabama 1940, so as to require that a person must obtain an Alabama driver's license within thirty days of the date that he makes his residence within the State of Alabama.

State Administration.

By Mr. Clark:

H. 677. To amend further Section 52 of Title 36, Code of Alabama 1940, as amended, relating to appearance upon arrest for misdemeanor, so as to provide for suspension of the driver's license driving privilege or privilege to obtain a driver's license of any person who wilfully violates his written bond to appear when such written bond is given to effectuate release from an arrest which was based upon the violation of any provision of Title 36.

Highway Safety.

By Mr. Owens:

H. 678. To amend Sections 373 and 744 of Act No. 407, H. 198, Legislature of Alabama of 1971, approved August 25, 1971, entitled "An Act to provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations, and the admission of foreign alien insurance companies, societies and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies, and associations organized, existing or authorized under this Act may exercise their powers; to provide the rights, powers and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violation of this Act; to repeal certain laws and Acts, and for other purposes," which relate to the Standard Nonforfeiture and Standard Valuation Laws applicable to life insurance companies so as to increase the interest rates used in determining minimum nonforfeiture and reserve values for contracts issued by such companies, and to substitute modern mortality tables in determining the reserve values for annuity contracts.

Insurance.

By Mr. Callahan:

H. 679. Relating to crimes and criminals; providing for the regulation of abortion and the criteria for determining when it is legal and illegal; providing punishment for illegal abortion; providing for the filing and keeping of records required by this act; providing that participation in performing or effecting an abortion is not mandatory; providing for punishment for violation of the provisions hereof; providing for the care of infants born live following an abortion attempt; repealing Section 9, Title 14, Code of Alabama 1940.

Health.

By Mr. Andrews (With Notice and Proof):

H. 680. Relating to Jefferson County; to provide for the establishment of standards and regulations for the proper blocking, securing and anchoring of mobile homes, and to require all mobile homes to be anchored and secured; to place the supervision of this Act under the direction of the State Civil Defense Department; to provide for hearing for aggrieved persons; to provide for injunctive relief to get compliance with the provisions of this Act and to provide penalties for the violation of any of the provisions of the Act.

Local Legislation No. 2.

Notice and Proof H. 680:

STATE OF ALABAMA
COUNTY OF JEFFERSON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Jefferson County; to provide for the establishment of standards and regulations for the proper blocking, securing and anchoring of mobile homes, and to require all mobile homes to be anchored and secured; to place the supervision of this Act under the direction of the State Civil Defense Department; to provide for hearing for aggrieved persons; to provide for injunctive relief to get compliance with the provisions of this Act and to provide penalties for the violation of any of the provisions of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to Jefferson County.

Section 2. DEFINITIONS. As usual in this Act, unless the context requires a different definition.

(a) "Mobile home" means a movable or portable dwelling constructed to be towed by a motor vehicle on its own chassis, over Alabama roads and highways under special permit, connected to utilities, and designed without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity or of two or more units separately towable but designed to be joined into one integral unit.

(b) "Department" means the State Department of Civil Defense which shall establish minimum standards for the proper blocking, anchoring and securing of all mobile homes when such structures are occupied or inhabited.

Section 3. The department shall establish minimum standards of the proper blocking, anchoring and securing of all mobile homes which will allow said mobile homes to withstand winds of minimum gale-force velocity. Provided, however, that galvanized steel bands over the top of said mobile homes shall meet a minimum five thousand (5,000) pound pull test and said steel bands shall be blocked so as to protect the mobile homes from the steel bands and shall be connected to an anchor that

will support an upward force of at least five thousand (5,000) pounds. In addition, anchor rods shall be of at least 5-8" O D steel rod and tension adjustments shall be included at the end of each steel band. The department shall adopt rules and regulations relating to the enforcement of such standards and of all rules and regulations established pursuant to this Act.

Section 4. Prior to the establishment or adoption of any standard, rule or regulation, or change or modification thereof in the minimum standards for the proper blocking, anchoring and securing of all mobile homes, the department shall hold a public hearing, notice of which shall be published at least once, not less than thirty (30) days preceding such hearing, in a newspaper of wide circulation within any county to which this Act applies. Every standard, rule or regulation shall become effective at the expiration of ninety (90) days after copies thereof shall be filed in the office of the Secretary of State. Publication of such standards, rules or regulations, or change or modification thereof, shall be made at least once, not less than sixty (60) days prior to the effective date thereof in a newspaper of wide general circulation within Jefferson County. Such publication shall set forth the effective date. The department, after public hearing, shall make, amend and enforce rules and regulations reasonably necessary or required to effectuate the provisions of this Act and to govern procedure and practice before the department.

Section 5. All parties or persons whose rights or privileges might be affected at any hearing shall have the right to appear personally and by counsel, to cross-examine adverse witnesses and to produce evidence in their own behalf or interest. Any such interested party shall be afforded an opportunity to participate in the hearing through submission of written or oral data or information and through submission of written or oral arguments to the person or persons conducting the hearing or to the board.

Section 6. The department may cause legal proceedings to be instituted to enforce this Act and its rules, orders and decisions. Should it appear from any investigation of a possible violation of any other law or regulation that a violation of this Act may have occurred, the matter shall be referred to the department to determine whether or not proceedings under this Act are also appropriate. The department may make contracts and execute any and all instruments necessary or convenient to the exercise of its power or performance of its duties.

Section 7. From and after the effective date of the minimum standards established and promulgated by the department relating to the proper blocking, anchoring and securing of mobile homes, or any changes or modifications thereof, no person shall occupy or inhabit any mobile home which is not blocked, anchored or secured in accordance with such standards. The proper blocking, anchoring and securing of mobile homes shall be the responsibility of the owner of the mobile home. It shall be the responsibility of the owner of a mobile home park to require that a mobile home owner properly block, anchor and secure his mobile home within two weeks after moving the mobile home into the park.

Section 8. The department, director of the department or authorized employees of the department are authorized and empowered to inspect all mobile homes in this state for compliance with the minimum standards for the proper blocking, anchoring and securing of all mobile homes occupied or inhabited in this state.

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The department shall set a reasonable fee for the inspection of mobile home tie-down and anchoring devices which shall be paid by the owner of the mobile home.

Section 9. If a mobile home subject to this Act is not blocked, anchored and secured as required by this Act and the standards, rules and regulations adopted by the department, the county or district attorney of the county may sue in the name of the state for appropriate injunctive relief to enforce compliance with this Act of such standards, rules or regulations. Such a suit for injunctive relief shall not relieve a defendant from any criminal liability under the provisions of this Act.

Section 10. Any person directly affected by any standard, rule or regulation established or adopted by the department may appeal such by filing a petition in the circuit court of the county; such petition to be filed within thirty (30) days from and after the date of publication of such standard, rule or regulation. Service of citation on the department or the director of the department must be accomplished within thirty (30) days after the day the petition is filed. In any such appeal the issue shall be whether or not the action of the department is invalid, arbitrary or unreasonable.

Section 11. Any person found guilty of violating any of the provisions of this Act or of any rule or regulation of the department is guilty of a misdemeanor and, on conviction shall be fined not less than fifty (50) dollars nor more than two hundred (200) dollars and all costs of court.

Section 12. All laws or parts of laws which conflict with this Act are repealed.

Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared ELEANOR ABERCROMBIE FOSTER who, by me duly sworn, deposes and says that she is the PUBLISHER OF ALABAMA MESSENGER, (formerly the Alabama Legal Advertiser and the Birmingham Messenger), a weekly newspaper of GENERAL CIRCULATION, PUBLISHED and PRINTED in Jefferson County, Alabama, and which has been in CONTINUOUS WEEKLY PUBLICATION SINCE 1918, And that there was published in said newspaper in the issues of May 10, 17, 24, 31, 1975, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER,
Publisher.

Sworn and subscribed to on this the 2nd day of June, 1975.

KAREN W. ABERCROMBIE,
Notary Public.

By Mr. Andrews (With Notice and Proof):

H. 681. Relating to Jefferson County; prohibiting service and execution of subpoenas and warrants issued for nonmoving traffic violations during certain hours, and repealing conflicting laws.

Local Legislation No. 2.

Notice and Proof H. 681:

**STATE OF ALABAMA
COUNTY OF JEFFERSON**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Jefferson County; prohibiting service and execution of subpoenas and warrants issued for non-moving traffic violations during certain hours, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only to Jefferson County.

Section 2. No person acting on behalf of the state or any county or municipality, as a police officer, deputy sheriff, or otherwise, shall serve any subpoena or execute any warrant issuing as a result of a non-moving traffic violation, except between the hours of 7:00 A. M. and 7:00 P. M.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

**STATE OF ALABAMA
JEFFERSON COUNTY**

Before me, the undersigned authority in and for said County, in said State, personally appeared ELEANOR ABERCROMBIE FOSTER who, by me duly sworn, deposes and says that she is the PUBLISHER OF ALABAMA MESSENGER, (formerly the Alabama Legal Advertiser and the Birmingham Messenger), a weekly newspaper of GENERAL CIRCULATION, PUBLISHED and PRINTED in Jefferson County, Alabama, and which has been in CONTINUOUS WEEKLY PUBLICATION SINCE 1918, And that there was published in said newspaper in the issues of May 10, 17, 24, 31, 1975, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER,
Publisher.

Sworn and subscribed to on this the 2nd day of June, 1975.

KAREN W. ABERCROMBIE,
Notary Public.

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By Mr. Andrews:

H. 682. Relating to public safety, requiring submission of proof of financial responsibility as a condition precedent to the registration or licensing of motor vehicles in Alabama and prescribing penalties.

Highway Safety.

By Mr. Andrews:

H. 683. To regulate the information required on applications for employment under the state merit system and information required on any application administered by the state for licensing purposes so as to limit any information required about the applicant beyond a five year period before the date of application except any information concerning felony arrests and convictions; and to provide certain applications to which this act shall not apply.

State Administration.

By Mr. Andrews:

H. 684. Relating to landlord and tenant: defining terms; providing for lien on tenant's property under certain conditions; providing method of enforcing the lien; and providing procedures regarding payment and refund of deposits.

Public Welfare.

By Mr. Smith (C):

H. 685. To amend Section 19 of Title 51 of the Code of Alabama 1940 to provide for capital improvements and maintenance at the Confederate Memorial Park located at Mountain Creek, Chilton County, thereby indicating respect for the resting place of valiant Confederate soldiers.

Ways and Means.

By Mr. Callahan:

H. 686. Relating to banks and branch banking: To permit any bank maintaining an office within any standard metropolitan statistical area to establish additional offices or branches at any location within said standard metropolitan statistical area with the consent and approval of the Superintendent of Banks; to define the term "standard metropolitan statistical area"; and to repeal all laws or parts of laws in conflict with this Act.

Banking.

By Messrs. Kinsey, Teague, Callahan, Hines and Owens:

H. 687. To amend further Title 36, Section 74, Code of Alabama 1940, as amended, which section relates to the cost of a duplicate, lost or destroyed driver's license so as to further regulate the cost of said duplicate license.

Ways and Means.

By Messrs. Kinsey, Teague, Callahan, Hines and Owens:

H. 688. To amend further Section 1 of Act No. 961, H. 426, Regular Session 1951 (Acts 1951, p. 1633, now appearing in Code of Alabama, Recompiled 1958, Title 36, Section 63), as amended, so as to provide that only a certified copy of a birth certificate or a passport may be used as a means of proof of age for minors when making application for a driver's license.

Highway Safety.

By Messrs. Kinsey, Hines and Owens:

H. 689. To provide for compensation for services to patients under insurance coverage, whether rendered by a physician or dentist, so long as the provider acts within the scope of his licensure.

Insurance.

By Messrs. Kinsey, Hines and Sandusky:

H. 690. To provide that any rule or regulation of any state department to the contrary notwithstanding, hose nozzle valves used at a self-service service station pump may be of the automatic closing type with a latch-open device if the valve closes automatically from the back pressure of the fuel level in the tank or container into which the fuel is dispensed.

State Administration.

By Messrs. Kennedy and Jackson (R):

H. 691. To further amend the Code of Alabama 1940, Title 7, Section 629, relating to the exemption of personal property from levy and sale under execution or other process for the collection of debts, so as to raise the amount of such exemptions from \$1,000 to \$3,000.

Judiciary.

By Messrs. Kennedy and Jackson (R):

H. 692. To further amend the Code of Alabama 1940, Title 7, Section 625, relating to the Homestead exemption from levy and sale under execution or other process for the collection of debts, so as to raise the amount of such exemption from \$2,000 to \$6,000.

Judiciary.

By Messrs. Campbell and Manley (With Notice and Proof):

H. 693. Authorizing the county commission of Sumter County to pay the sheriff of Sumter County a monthly expense allowance of two hundred fifty dollars (\$250.00).

Local Legislation No. 1.

Notice and Proof H. 693:

STATE OF ALABAMA
COUNTY OF SUMTER

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Authorizing the county commission of Sumter County to pay the sheriff of Sumter County a monthly expense allowance of two hundred fifty dollars (\$250.00).

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Sumter County is authorized to pay from the county general fund to the sheriff of Sumter County, the sum of two hundred fifty dollars (\$250.00) per month as an expense

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allowance. Such allowance shall be in addition to any and all other compensation and allowances presently or hereinafter provided by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF SUMTER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joe L. Williams, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Acting Publisher of the Sumter County Journal, a newspaper of general circulation published in Sumter County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 23, April 30, May 7, and May 14, all in the year 1975.

JOE L. WILLIAMS.

Sworn to and subscribed before me June 9th, 1975.

ROSE M. ARRINGTON,
Notary Public.

By Mr. Mitchem:

H. 694. Relating to cotton gins and the regulations thereof by the Department of Agriculture and Industries: to amend Section 172 of Title 2 of the Code of Alabama of 1940, as heretofore amended by Act No. 401, H. 190, approved August 16, 1965, (Acts of Alabama of 1965, Vol. I, p. 577) relating to the annual permit fee required for the operation of a cotton gin; prescribing the amount of such permit fee, and the date on which this Act shall become effective.

Agriculture.

By Messrs. Cates and Jackson (F):

H. 695. To amend Section 206 of Title 26, Code of Alabama 1940, so as to provide that any amounts received from the Federal government by members of the National Guard or organized reserve, including base pay allowances, shall not be deemed wages for the purpose of determining if an individual is totally unemployed, or for the purpose of determining if a person is partially unemployed.

Public Welfare.

By Messrs. Gafford, Reed, Moore (W), Quarles, Callahan, Waggoner, Sandusky, McNair, Weeks, White, Hopping, McNees, Biddle, Coburn, Hilliard and Moore (O):

H. 696. To provide for a privilege or license tax of 3% levied upon the gross receipts of all nursing homes, rest homes, convalescent homes, old age homes, day care centers for the adult infirm or aged, and all other institutions for the care and maintenance of the adult infirm or aged, excepting bona fide hospitals; providing for the collection and enforcement of the tax; and providing further that the revenue pro-

duced by such tax be deposited in a special fund in the state treasury and used exclusively to assist in defraying the State of Alabama's share of Medicare and Medicaid costs.

Ways and Means.

By Mr. McCulley:

H. 697. To provide revenue by imposing an excise tax payable by manufacturers and bottlers of bottled soft drinks, and syrups prepared, used, sold, transported or delivered within the State and by others; requiring persons engaged in the manufacture, bottling, distribution, sale and transportation of syrup and bottled soft drinks to secure permits; prescribing the method and manner of evidencing the payment and collection of such tax or assessing the tax; conferring powers and imposing duties on the Department of Revenue and those manufacturing, bottling, distributing, selling and transporting syrup or bottled soft drinks and providing penalties.

Ways and Means.

By Mr. Campbell:

H. 698. To provide a secretary for District Attorneys; to set the secretary's salary; and to authorize the secretary's attendance upon the Grand Jury.

Ways and Means.

By Mr. Campbell:

H. 699. To provide an investigator for District Attorneys; to set the investigator's salary; and to authorize the investigator's powers.

Ways and Means.

By Mr. Waggoner:

H. 700. Relating to taxation; to amend Title 51, Section 2, of Alabama Code of 1940, as last amended, so as to exempt from ad valorem taxation articles manufactured in Alabama in the hands of the producer or manufacturer thereof for twelve (12) months after production or manufacture.

Ways and Means.

By Messrs. Burgess and Merrill:

H. 701. To amend further Section 8 of Act No. 558, S. 274, 1943 Regular Session (Acts of 1943, p. 550; now appearing in Code of Alabama, Recompiled 1958, Title 36, Section 123), entitled "To provide that any person who leaves the scene of a motor vehicle accident resulting in injury or death to any person shall stop and render such aid to such injured person as may be necessary; to provide for the reporting of accidents by drivers of any motor vehicle upon the highways of this state, and to provide that the failure to stop after an accident or to report such accident shall be a misdemeanor, and to fix the punishment thereof"; so as to require the accident report forms to include spaces for the name of insurance companies and to make it mandatory for an investigating officer to fill in such space on the form.

Highway Safety.

By Mr. McNees (With Notice and Proof):

H. 702. Relating to Fayette County; further regulating the compensation of the county superintendent of education.

Local Legislation No. 1.

Notice and Proof H. 702:

STATE OF ALABAMA
COUNTY OF FAYETTE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Fayette County; further regulating the compensation of the county superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The compensation of the county superintendent of education of Fayette County shall be fixed by the County Board of Education. The amount thereof shall not be less than fifteen thousand dollars per annum and shall not exceed the sum of \$22,500 per annum, to be paid at the same time and in the same manner as now prescribed by law for the payment of compensation to the county superintendent of education of Fayette County.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF FAYETTE

Before me, a Notary Public, personally appeared Jack Black who being duly sworn, deposes to say that he is publisher of the FAYETTE COUNTY BROADCASTER and that the legal advertisement was published in said newspaper on the following dates: May 15, 1975; May 22, 1975; and May 29, 1975; and June 5, 1975.

JACK BLACK.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 5th DAY OF JUNE, 1975.

IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND SEAL.

ELOISE THOMLEY,
Notary Public.

By Mr. Hill:

H. 703. To establish within the Executive Office of the Governor a Community Services Administration (CSA). This Administration will become the successor agency to the State Economic Opportunity Office authorized under provisions of the Economic Opportunity Act of 1964, as amended.

Judiciary.

By Messrs. Lee, Robertson, Teague, Armstrong, Falkenburg, McNees and Johnson:

H. 704. To amend further Title 51, Section 15, to authorize the widow of a deceased blind spouse, as defined hereinbelow, to the same exemption.

Ways and Means.

By Messrs. Lee, Robertson, Teague, Armstrong, Falkenburg, McNees, Gregg, Naramore, Martin, Roberts, Cross, Smith (C), Sonnier, Wyatt, Harris, Johnstone, Cooper and Johnson:

H. 705. This Act provides for an additional \$1500.00 personal exemption from Alabama State income tax for blind persons, as defined herein.

Ways and Means.

By Mr. Owens:

H. 706. To amend Act No. 751, Acts of Alabama, 1965 Regular Session, relating to the cost of purchasing non-resident hunting licenses.

Conservation.

By Messrs. Smith (M), Morris, Higginbotham and Turnham (With Notice and Proof):

H. 707. To authorize the Chambers County Commission or other like governing body to appoint an assistant county engineer; to provide for his compensation; to prescribe certain qualifications and duties; to provide for state participation in his salary and to repeal conflicting laws.

Local Legislation No. 1.

Notice and Proof H. 707:

STATE OF ALABAMA
COUNTY OF CHAMBERS

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the Chambers County Commission or other like governing body to appoint an assistant county engineer; to provide for his compensation; to prescribe certain qualifications and duties; to provide for state participation in his salary and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Chamber's County Commission or other like governing body shall be authorized to appoint an assistant county engineer who shall engage in no other employment and the amount of whose salary shall be such sum as may be fixed by the said county commission payable in equal monthly installments from county funds available for that purpose when properly entered into the minutes of the county commission.

Section 2. The person appointed as assistant county engineer shall be a licensed land surveyor in the State of Alabama with a minimum of

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five years responsible experience in civil engineering, two years of which shall have been in the maintenance and construction of highways and bridges. It shall be the duty of said assistant county engineer to perform such engineering, surveying, accounting and administrative functions as may be ordered by the county engineer or chief engineer of the division of public roads.

Section 3. When Chambers County has established the office of assistant county engineer, the State Highway Director may, upon application of the Chambers County Commission, authorize the expenditure out of the available funds of the State highway department, an amount equal to seventy percent (70 percent) of the annual salary of said assistant county engineer, to said county, which shall apply to the payment of the salary, with such payments to be made in equal monthly installments. It is provided, however, that the amount contributed or paid by the State highway department to said county, not including retirement contributions, shall not exceed sixty percent (60 percent) of the salary schedule under the Professional Civil Engineer I classification in any one year. The State Highway Director may discontinue such payment after thirty days notice in writing to said county commission and to the assistant county engineer, unless otherwise agreed to in writing with said county by contract made and entered upon the records of the Chambers County Commission.

Section 4. This Act is not mandatory but is discretionary, remedial, cumulative, and provides additional authority for the betterment of the Chambers County public road system.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
CHAMBERS COUNTY

Before me, Betty V. Sorrell a Notary Public in and for said County and State, personally appeared Mark T. Walls, who, being by me legally sworn, deposes and says: I am the publisher of The Valley Times-News, a newspaper published five days a week, in Lanett, Chambers County, Alabama; the foregoing notice—Bill to appoint an assistant county engineer. Was published in said newspaper once a week for 4 consecutive weeks, beginning with the issue of March 21, 1975, and appearing in the issues of said newspaper of dates April 1, April 4, April 11.

MARK T. WALLS,
Publisher.

Sworn to and subscribed before me this 9th day of May, 1975.

BETTY V. SORRELL,
Notary Public.

My Commission Expires July 5, 1976.

By Messrs. Smith (M), Morris, Higginbotham and Turnham (With Notice and Proof):

H. 708. Relating to Chambers County; to provide for payment to the employees' retirement system of Alabama of the member's and employer's contributions for the assistant county engineer of said county and to repeal conflicting statutes.

Local Legislation No. 1.

Notice and Proof H. 708:

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Chambers County; to provide for payment to the employees' retirement system of Alabama of the member's and employer's contributions for the assistant county engineer of said county and to repeal conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. Membership payment of the assistant county engineer of Chambers County eligible for participation as a member of the Employees' Retirement System of Alabama under Section 3 of Act No. 515, General Acts of Alabama 1945, page 734, approved July 9, 1945, as amended by Act No. 248, Acts of Alabama 1964, page 345, approved September 4, 1964, to the extent of the State Highway Department's contribution to the county for the assistant county engineer's salary shall be as follows: (a) The State Highway Director shall cause to be deducted from the state's payment to Chambers County for the assistant county engineer's salary the member's contribution and employer's contribution at the rates provided by law and remit the contribution to the Employees' Retirement System of Alabama in the same manner as for highway department employees. The State Highway Department shall further contribute to Chambers County an amount equal to the employer's contribution for the assistant county engineer's retirement from the same funds from which the state's contribution for salary occurred, said contribution to be in addition to all other contributions authorized by Section 70 of Title 12 of the Code of Alabama 1940, as amended or any other law. (b) For service rendered from October 1, 1945 to September 30, 1965 by the assistant county engineer to the State Highway Department or as county engineer or assistant county engineer the assistant county engineer shall pay to the Employees' Retirement System of Alabama the contributions he would have paid had he been eligible for participation to his salary plus regular interest under rules and regulations as may be required by the Employees' Retirement System of Alabama. (c) Immediately after September 30, 1965 the State Highway Director shall cause to be paid to the Employees' Retirement System from the same funds from which the State contribution to salary occurred the total amounts paid by the assistant county engineer for such prior membership service as county engineer or assistant county engineer multiplied by 1.01 for Chambers County's participation for service rendered from October 1, 1945 to September 30, 1965 as a further contribution to Chambers County, said contribution to be in addition to all other contributions authorized by Section 70 of Title 12 of Code of Alabama 1940, as amended, or any other law.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
CHAMBERS COUNTY

Before me, Betty V. Sorrell a Notary Public in and for said County and State, personally appeared Mark T. Walls, who, being by me legally sworn, deposes and says: I am the publisher of The Valley Times-News, a newspaper published five days a week, in Lanett, Chambers County, Alabama; the foregoing notice—Bill pertaining to Employee's Retirement system. Was published in said newspaper once a week for 4 consecutive weeks, beginning with the issue of March 21, 1975 and appearing in the issues of said newspaper of dates April 1, April 4, April 11.

MARK T. WALLS,
Publisher.

Sworn to and subscribed before me this 9th day of May, 1975.

BETTY V. SORRELL,
Notary Public.

My Commission Expires July 5, 1976.

By Messrs. Smith (M), Morris, Higginbotham and Turnham (With Notice and Proof):

H. 709. To authorize the county commission of Chambers County to provide for the relief of Wilma M. Atkinson because of property damage sustained to her automobile.

Local Legislation No. 1.

Notice and Proof H. 709:

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the county commission of Chambers County to provide for the relief of Wilma M. Atkinson because of property damage sustained to her automobile.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Chambers County is hereby authorized and empowered to appropriate the sum of \$545.21 from any of the funds in the county treasury available for such purposes to Wilma M. Atkinson because of property damage sustained by her on October 8, 1973, when a county vehicle operated by county employees struck her automobile. This is a moral and equitable claim which the county is honor bound to pay and for which she has no legal right of action or legal recourse for recovery.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
CHAMBERS COUNTY

Before me, Betty V. Sorrell a Notary Public in and for said County and State, personally appeared Mark T. Walls, who, being by me legally sworn, deposes and says: I am the publisher of The Valley Times-News, a newspaper published five days a week, in Lanett, Chambers County, Alabama; the foregoing notice—Bill pertaining to Wilma M. Atkinson. Was published in said newspaper once a week for 4 consecutive weeks, beginning with the issue of March 21, 1975, and appearing in the issues of said newspaper of dates April 1, April 4, April 11.

MARK T. WALLS,
Publisher.

Sworn to and subscribed before me this 9th day of May, 1975.

BETTY V. SORRELL,
Notary Public.

My Commission Expires July 5, 1976.

By Messrs. Malone, Kennedy, McCulley and Glass:

H. 710. To amend Act No. 2431, H. 2569, Regular Session, 1971, as amended by Act No. 97, H. 433, Special Session, 1973, (Acts 1973, Special Session, page 123 et seq.) relating to all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent decennial census; to provide for and create a county racing commission for the regulation, licensing, and supervision of dog racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other moneys received under the provisions of the Act and to provide certain penalties for the violation of the Act, so as to provide for the authorization of five charity racing days per calendar year and to change the distribution in Section 18 by deleting the 5% to the Policemen's and Fire Fighters Pension and Relief Fund and by amending the amount of distribution to the counties and municipalities located within said county for law enforcement purposes to thirty-five per cent (35%) instead of thirty percent (30%).

Local Legislation No. 3.

By Messrs. Ford, Taylor, Rich and Brindley:

H. 711. To appropriate funds from the Special Educational Trust Fund for the Gadsden City School Board to be used to meet capital outlay and operating expenses for Litchfield High School due to the reorganization of the Gadsden city school system resulting from a recent Federal court order.

Ways and Means.

By Messrs. Plaster and Lockett:

H. 712. To authorize county and municipal governments in counties with populations of not less than 24,000 nor more than 24,800 according to the most recent federal decennial census to enter into cooperative agreements for the administration of comprehensive land management controls as authorized under Act No. 119, H. 132, 1971 Third Special Session (Acts of Alabama 1971, Vol. V. p. 4346), and as required to allow such governmental units to meet the requirements of the National Flood Insurance Act of 1968, as amended.

Local Legislation No. 1.

By Messrs. Barron, Holmes, Wyatt, Plaster and Harris:

H. 713. To create a board of trustees to manage, control and maintain Alabama State University; to prescribe the powers, duties, authority, and compensation of the board; to provide for the appointment and prescribe the terms of office of members thereof; to divest the State Board of Education of all jurisdiction, power and authority with respect to the supervision, management and control of said university; and to provide for the transfer from said state board of education to the board of trustees of Alabama State University all supplies, funds, books, documents, records and other property or effects of such university.

State Administration.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Cates:

H. R. 82. MOURNING THE DEATH OF JOYCE WILLIAMSON PRIDE OF GEORGIANA.

WHEREAS, Joyce Williamson Pride has recently departed this life; and

WHEREAS, Joyce W. Pride was an outstanding citizen of Georgiana having served as President of the Georgiana Parent-Teachers Association, Officer in the Alabama Federation of Women's Clubs, President of the Three Arts Club of Georgiana and Chapman; and

WHEREAS, Joyce W. Pride was a member of the Advisory Committee of Lurleen B. Wallace Junior College of Andalusia; and

WHEREAS, Joyce W. Pride was a member of the First Baptist Church of Georgiana, teacher of the Young Adults Sunday School Class, and a member of the Baptist Church Choir; and

WHEREAS, Joyce W. Pride was a loving wife and devoted mother, being survived by her husband Roger Pride, Jr., three daughters, Mrs. Joe Justice, Mrs. John K. Bolling, Jr., and Barbra Pride; and

WHEREAS, Joyce W. Pride was a warm and vibrant person who shared her time and talent with many persons and was greatly loved; and

WHEREAS, Joyce W. Pride will be greatly missed by the people of Georgiana and the surrounding area,

NOW, THEREFORE, BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, that we do deeply mourn the death of Joyce Williamson Pride and extend our deepest sympathy to her husband, daughters, family and friends.

BE IT FURTHER RESOLVED, that copies of this Resolution be sent her husband and three daughters at Georgiana.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 82, on the Clerk's desk for one legislative day.

Also:

By Messrs. Baker and Whatley:

H. J. R. 83. MOURNING THE DEATH OF MARCIUS BRUCE LEE.

WHEREAS the Alabama legislature has noted with a sense of deep regret the passing of Marcius Bruce Lee of Phenix City; and

WHEREAS Corporal Lee was a Phenix City Police Officer and was killed in the line of duty; and

WHEREAS Officer Marcius Bruce Lee was killed when his patrol car was hit by a speeding car that was being pursued by another officer; and

WHEREAS Corporal Lee joined the Phenix City Police force on November 3, 1971, and was liked and respected by his fellow officers; and

WHEREAS Marcius Bruce Lee was the father of a two-week-old baby, Stephanie Michelle Lee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Marcius Bruce Lee and express our deep and sincere sympathy to his widow, Judy Lee, and his family to whom copies of this resolution shall be sent.

BE IT RESOLVED FURTHER, That a copy of this resolution shall also be sent to the Phenix City Police Department.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 83, on the Clerk's desk for one legislative day.

Also:

By Messrs. Drake, Mitchem and Sparks:

H. J. R. 84. DECLARING THE WEEK OF JUNE 16-22 ALABAMA POULTRY PRODUCTS WEEK.

WHEREAS, the poultry industry is Alabama's largest food industry, accounting for approximately 35 percent of the total farm income in Alabama; and

WHEREAS, Alabama is the third largest broiler producing state in the nation and ranks sixth in egg production, having produced 2.90 billion eggs in 1974 and 400 million broilers;

WHEREAS, poultry and eggs are highly nutritious and delicious foods; and

WHEREAS, poultry and eggs can be purchased by Alabamians at reasonable prices; and

WHEREAS, Bill Baggett has served with distinction and honor as president of the Alabama Poultry and Egg Association; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of June 16-22 is hereby declared to be "ALABAMA POULTRY PRODUCTS WEEK."

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to the Alabama Poultry and Egg Association.

The resolution, H. J. R. 84, was read and referred to the Standing Committees on Rules.

Also:

By Messrs. Cates, Harris, Sonnier and Dial:

H. R. 85. COMMENDING MAJOR GENERAL JAMES TAYLOR HARDIN.

WHEREAS, Major General James Taylor Hardin has honorably and faithfully served the State of Alabama and the United States as a military officer for more than thirty-five years; and

WHEREAS, Major General James Taylor Hardin has retired on 9 June 1975 as an active member of the Alabama National Guard; and

WHEREAS, Major General James Taylor Hardin has by his dedicated leadership and personal example brought the National Guard of Alabama to a position of FIRST among the National Guards of the States of the United States; and

WHEREAS, Major General James Taylor Hardin has on numerous occasions commanded troops in response to the Governor's call for assistance to the citizens of Alabama during periods of civil disturbance and natural disaster; and

WHEREAS, Major General James Taylor Hardin commanded the famed 31st Infantry (Dixie) Division as its last Commander; and

Whereas, Major General James Taylor Hardin was at the time of his retirement Commanding General of Troop Command and was Commander of sixty units, more than one-half of the forces of the Alabama Guard; and

WHEREAS, Major General James Taylor Hardin has during this period of military service served his State in high and responsible civil positions, thereby exemplifying the highest tradition of the citizen soldier, "Citizen in Peace, Soldier in war; He is the Guard."

NOW, THEREFORE, BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, that we do highly commend Major General James Taylor Hardin for the valuable services rendered to the State of Alabama and the United States during his distinguished military career, and do hereby express our appreciation of the same.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Major General James Taylor Hardin at his place of residence in Montgomery, Alabama.

On motion of Mr. Cates, the rules were suspended and the resolution, H. R. 85, was adopted.

RESOLUTIONS

The following resolutions introduced on the fifth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 76. Commending the City of Bridgeport upon being named a Bicentennial Community.

H. J. R. 77. Congratulating Mrs. Audrey P. Clements upon retirement.

H. R. 78. Wishing the speedy recovery of Mayor Peck Cauthen.

On motion of Mr. Manley, the resolutions were adopted en masse.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 7. Complimenting Miss Leigh Ford upon being chosen "Little Miss Phenix City" for 1975.

Also:

H. J. R. 8. Complimenting Miss Wanda Williams upon being chosen "Miss Phenix City" for 1975.

Also:

H. J. R. 11. Mourning the death of Mrs. Robert E. Lawson.

Also:

H. J. R. 12. Commending Chief Frank R. LaPorte of the Selma Police Department for his distinguished service.

Also:

H. J. R. 16. Commending the Birmingham Southern Baseball Team for winning the Region Five Baseball Championship.

Also:

H. J. R. 19. Congratulating Representative H. L. "Sonny" Callahan on the birth of his baby girl Kelly Lynn.

Also:

H. J. R. 22. Honoring Roy B. Morgan for his leadership as an Alabama Forester.

Also:

H. J. R. 24. Commending Dr. Herbert E. Gilvin for his many years of service as Pastor of the Greene Liberty Baptist Church in Birmingham.

Also:

H. J. R. 25. Expressing appreciation for the work of the Madison County Sheriff's Mounted Posse.

Also:

H. J. R. 27. Commending the Bibb Graves High School Basketball Team of Millerville, Alabama.

Also:

H. J. R. 28. Commending Rev. Martin DeWeese, Dr. Waymon Reese and the several members of the building committee of the Spring Hill Baptist Church for their efforts in rebuilding said church from total destruction by a tornado.

Also:

H. J. R. 29. Mourning the death of John T. Hudson.

Also:

H. J. R. 30. Congratulating Emmett E. Tice upon becoming Governor-Elect of the Alabama Central District of Civitans.

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Also:

H. J. R. 31. Congratulating Dr. Ralph Wyatt Adams upon completion of his tenth year as president of Troy State University.

Also:

H. J. R. 32. Commending Dr. John M. Long for completion of twenty-five years of outstanding leadership in Alabama music.

Also:

H. J. R. 41. Congratulating Johnny B. Kirk upon being selected to play in the high school All Star Game.

Also:

H. J. R. 42. Congratulating Mr. and Mrs. Attley C. Smith on their Golden Anniversary.

Also:

H. J. R. 43. Mourning the death of Kenny Washington.

Also:

H. J. R. 44. Congratulating Miss Eloise Kidd upon being nominated "Outstanding Woman of the Year" by the Alabama Physically Handicapped Association.

Also:

H. J. R. 45. Congratulating W. B. Curry upon his retirement.

Also:

H. J. R. 47. Commending the Hokes Bluff High School, in Etowah County, for winning the 1975 State 2A High School Baseball Championship.

Also:

H. J. R. 50. Congratulating the Robert E. Lee High School Baseball Team on winning the State 4-A Baseball Championship.

Also:

H. J. R. 52. Congratulating Melissa Oliver upon her selection for membership in Mortar Board at the University of Alabama.

Also:

H. J. R. 54. Commending Glenn Still on being named Soybean King.

Also:

H. J. R. 56. Congratulating J. D. 'Josh' Sellars upon being elected president of the Alabama League of Municipalities.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 21. Welcoming the return of Representative Frank Jackson.

Also:

H. J. R. 57. Saluting Sumter County upon being named number one in rural development.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs. Fine, Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver and Wilson:

S. J. R. 16. Mourning the death of Captain Willie B. Painter.

Also:

By Mr. Mitchell:

S. J. R. 18. Commending the Fort Dale Academy Girls Basketball Team for an outstanding season.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolutions, S. J. R. 16 and S. J. R. 18, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Jones:

S. J. R. 5. Commending the WBAM "All American" Basketball Team upon raising funds for civic projects throughout the State of Alabama.

Also:

By Mr. Waldrop:

S. J. R. 6. Congratulating the Emma Sansom High School Rebel Marching Band for winning first place in the Shenandoah Apple Blossom Festival.

Also:

By Mr. Torbert:

S. J. R. 10. Commending the Phenix City Jaycees and Jaycettes.

Also:

By Mr. Owen:

S. J. R. 17. Commending Frank G. Turner on his retirement.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolutions, S. J. R. 5, S. J. R. 6, S. J. R. 10 and S. J. R. 17, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs. Gilmore, Bank, Vacca, Pearson, Ellis, Littleton, Givhan and Shelby:

S. J. R. 21. Designating Tannehill State Park a Folk Life Center.

Also:

By Mr. Jones:

S. J. R. 27. Mourning the death of Coach Pete Lee.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 21, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 27, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Jones:

S. J. R. 30. Urging Senator Sparkman and Senator Allen to lend support and influence to the efforts of the Boy Scouts of Troop 15 of Montgomery to arrange cultural exchange with a similar youth group from the Soviet Union.

Also:

By Mr. Perloff:

S. J. R. 31. Congratulating Senator Sam L. Adams on the birth of his son, Forrest Lamar Adams, II.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 30, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 31, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 39. Approving the attendance of Mrs. Marilyn Quarles at the annual meeting of the National Order of Women Legislators and to reimburse her for ordinary and necessary expenses.

Also:

H. J. R. 62. To designate County Highway 75 in Jackson County as Ridley Road.

McDOWELL LEE,
Secretary.

BILLS ON THIRD READING

And the bill:

H. 171. Relating to Washington County; declaring motor vehicles, boats, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Brindley, Callahan, Campbell, Carter, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Leonard, Lockett, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Roberts, Sasser, Smith (C), Smith (M), Sonnfier, Sparks, Taylor, Teague, Trammell, Turnham, Venable, Weeks, White, Williams and Wyatt.

And the bill:

H. 294. Relating to Coosa County; to provide an expense allowance for the sheriff and to give the provisions of this Act retroactive effect.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Brindley, Burgess, Callahan, Campbell, Carter, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Leonard, Lockett, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Roberts, Sasser, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Weeks, White, Williams and Wyatt.

—68

And the bill:

H. 295. To repeal Act No. 432, S. 665, 1973 Regular Session (Acts of 1973, p. 625), and Act No. 583, H. 1603, 1973 Regular Session (Acts of 1973, p. 840), which are identical Acts and which are both entitled "An Act Relating to counties having populations of not less than 10,660 nor more than 10,900 according to the most recent federal decennial census; to provide for an expense allowance for the sheriff in such counties; to repeal conflicting laws."

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Brindley, Burgess, Callahan, Campbell, Carter, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Killian, Leonard, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Roberts, Sasser, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Weeks, White, Williams and Wyatt.

—67

And the bill:

H. 529. To amend Article X, Section 10.1 of Act No. 404, S. 430, Regular Session 1953 (Acts 1953, p. 472) providing for the Council-Manager form of government in cities having a population of not less than 30,000 nor more than 33,000 according to the most recent federal decennial census, so as to provide that the question of the abandonment of the Council-Manager form of government may not be re-submitted within two years after any other election thereon.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Brindley, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holley, Holmes, Hopping, Jackson (F), Johnson, Johnstone, Kelley, Killian, Leonard, Lockett, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Reed, Roberts, Sasser, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Weeks, White, Williams and Wyatt.

—64

And the bill:

H. 530. Relating to Calhoun County; to relieve and exempt the license commissioner from personal liability for errors, mistakes and omissions of employees serving under him.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Killian, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Reed, Rich, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Weeks, White, Williams and Wyatt.

—69

And the bill:

H. 181. To amend Title 52, Section 341, Code of Alabama, 1940, to provide that the city or county superintendent may excuse an educator from attendance at institute held prior to the beginning of the school term or during the term in the same manner and under the same policies governing such leave on any other regularly scheduled work day.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser,

Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, White and Wyatt.

—86

And the bill:

H. 50. (With Substitute): To amend Section 13, Title 32, Code of Alabama 1940, as amended, relating to pay of legislative interim committee members, so as to allow such members to receive the regular legislative per diem plus mileage and actual expenses when on committee business in a location other than the district from which the member is elected, and other than the seat of the state government.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 13, Title 32, Code of Alabama 1940, as amended, relating to composition, pay and allowances of legislative interim committee members and employees; to allow such members to receive their regular legislative compensation and per diem allowances plus mileage and actual expenses when on committee business in a location other than the district from which the member is elected, and other than the seat of the state government; to provide the method of creating interim committees and regulating activities thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 13, Title 32, Code of Alabama 1940, as amended, is hereby amended to read as follows:

"Section 13. Legislative interim committees shall consist of members duly appointed from the House and Senate, or such ex-officio members as may be authorized, and shall be created either by joint resolution or by act of the Legislature. The compensation of all members of such interim committees shall be \$10.00 per day plus regular legislative per diem expense allowances. The members of such committees shall collect mileage at the rate payable to state officials and employees for all trips in traveling to and from the residence of such members to the Capitol for regularly scheduled meetings. In addition, the members of such committees shall also collect mileage for traveling to and from the residence of such members to the place where the committee is to carry on its business, and the actual expenses of lodging overnight, when the committee business is to take place in a location other than the district from which the member is elected and other than the seat of the state government. The Chairman and Vice Chairman jointly of any such committee shall have the authority to employ any necessary clerks, consultants, and employees required by their charge and area of responsibility, within limitations as fixed by the resolution or bill creating the committee. Such clerks, consultants and employees shall be paid such reasonable compensation as may be fixed by the Chairman and Vice Chairman jointly of the committee making the employment. The Chairman or Vice Chairman of such committee shall certify to the comptroller what amount is due each member or employee and the Comptroller shall draw his warrant therefor on the Treasurer. All employment of em-

ployees under this section shall be subject to confirmation by the full membership of the committee making the employment. No legislative interim committee or its employees shall receive compensation for any period subsequent to the dissolution of such committee, which shall be fixed by the resolution or act creating the committee."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Harrison, Higginbotham, Hill, Holley, Holmes, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lutz, McCluskey, McCulley, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

—80

And the bill:

H. 50. To amend Section 13, Title 32, Code of Alabama 1940, as amended, relating to composition, pay and allowances of legislative interim committee members and employees; to allow such members to receive their regular legislative compensation and per diem allowances plus mileage and actual expenses when on committee business in a location other than the district from which the member is elected, and other than the seat of the state government; to provide the method of creating interim committees and regulating activities thereof.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lutz, McCluskey, McCulley, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

—81

And the bill:

H. 1. To provide for the salary of the Governor; and to repeal Act No. 565, H. 964, 1957 Regular Session (Acts 1957 v. 2, p. 785), and any other laws or parts of laws in conflict with the provisions of this Act.

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Mr. Holmes offered the following amendment to the bill:

Amend House Bill 1 by striking out the words "forty thousand dollars (\$40,000)" wherever they appear and inserting in lieu thereof the words fifty thousand dollars (\$50,000).

And the amendment was adopted.

Yeas 77; Nays 10.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, LeFlore, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Waggoner, Weeks, White, Williams and Wyatt.

—77

Nays:

Messrs.: Cross, Goodwin, Hall, Leonard, Naramore, Pegues, Smith (B), Turnham, Venable and Warren.

—10

And the bill, H. 1 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—84

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 7. Complimenting Miss Leigh Ford upon being chosen "Little Miss Phenix City" for 1975.

Also:

H. J. R. 8. Complimenting Miss Wanda Williams upon being chosen "Miss Phenix City" for 1975.

Also:

H. J. R. 11. Mourning the death of Mrs. Robert E. Lawson.

Also:

H. J. R. 12. Commending Chief Frank R. LaPorte of the Selma Police Department for his distinguished service.

Also:

H. J. R. 16. Commending the Birmingham Southern Baseball Team for winning the Region Five Baseball Championship.

Also:

H. J. R. 19. Congratulating Representative H. L. (Sonny) Callahan on the birth of his baby girl Kelly Lynn.

Also:

H. J. R. 22. Honoring Roy B. Morgan for his leadership as an Alabama Forester.

Also:

H. J. R. 24. Commending Dr. Herbert E. Gilvin for his many years of service as pastor of the Green Liberty Baptist Church in Birmingham.

Also:

H. J. R. 25. Expressing appreciation for the work of the Madison County Sheriff's Mounted Posse.

Also:

H. J. R. 27. Commending the Bibb Graves High School Basketball Team of Millerville, Alabama.

Also:

H. J. R. 28. Commending Rev. Martin DeWeese, Dr. Waymon Reese and the several members of the building committee of the Spring Hill Baptist Church for their efforts in rebuilding said church from total destruction by a tornado.

Also:

H. J. R. 29. Mourning the death of John T. Hudson.

Also:

H. J. R. 30. Congratulating Emmett E. Tice upon becoming Governor-Elect of the Alabama Central District of Civitans.

Also:

H. J. R. 31. Congratulating Dr. Ralph Wyatt Adams upon completion of his tenth year as president of Troy State University.

Also:

H. J. R. 32. Commending Dr. John M. Long for completion of twenty-five years of outstanding leadership in Alabama music.

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Also:

H. J. R. 41. Congratulating Johnny B. Kirk upon being selected to play in the high school All Star Game.

Also:

H. J. R. 42. Congratulating Mr. and Mrs. Attley C. Smith on their Golden Anniversary.

Also:

H. J. R. 43. Mourning the death of Kenny Washington.

Also:

H. J. R. 44. Congratulating Miss Eloise Kidd upon being nominated "Outstanding Woman of the Year" by the Alabama Physically Handicapped Association.

Also:

H. J. R. 45. Congratulating W. B. Curry upon his retirement.

Also:

H. J. R. 47. Commending the Hokes Bluff High School, in Etowah County, for winning the 1975 State 2A High School Baseball Championship.

Also:

H. J. R. 50. Congratulating the Robert E. Lee High School Baseball Team on winning the State 4-A Baseball Championship.

Also:

H. J. R. 52. Congratulating Melissa Oliver upon her selection for membership in Mortar Board at the University of Alabama.

Also:

H. J. R. 54. Commending Glenn Still on being named Soybean King.

Also:

H. J. R. 56. Congratulating J. B. 'Josh' Sellars upon being elected president of the Alabama League of Municipalities.

Also:

H. J. R. 21. Welcoming the return of Representative Frank Jackson.

Also:

H. J. R. 57. Saluting Sumter County upon being named number one in rural development.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 39. Approving the attendance of Mrs. Marilyn Quarles at the annual meeting of the National Order of Women Legislators and to reimburse her for ordinary and necessary expenses.

Also:

H. J. R. 62. To designate County Highway 75 in Jackson County as Ridley Road.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

H. 92. To provide for equalization of the maximum rate of interest permitted to be charged by State Banks with the maximum rate permitted by Federal law to any competing national bank.

Was taken up.

MOTION TO POSTPONE TABLED

On motion of Mr. Morris, the motion offered by Mr. Rich to postpone the bill, H. 92, to the ninth legislative day was tabled.

Yeas 45; Nays 36.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Burgess, Callahan, Campbell, Clark, Cooper, Crawford, Cross, Dial, Drake, Falkenburg, Gafford, Glass, Goodwin, Gregg, Hall, Harrison, Hilliard, Holmes, Jackson (F), Kelley, Kinsey, Lee, Leonard, Lutz, McCluskey, McNees, Malone, Martin, Mitchem, Moore (O), Morris, Quarles, Roberts, Robertson, Sasser, Shelton, Smith (C), Warren and White.

—45

Nays:

Messrs.: Carothers, Carter, Coburn, Folmar, Ford, Greer, Hill, Hines, Hopping, Howard, Johnson, Kennedy, LeFlore, Lewis, Lockett, McCulley, McNair, Manley, Moore (W), Plaster, Rich, Riddick, Smith (B), Smith

(J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Weeks, Whatley, Williams and Wyatt.

—36

And the bill, H. 92, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 10.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Holley, Holmes, Hopping, Jackson (F), Johnson, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sparks, Starkey, Turnham, Venable, Warren, Weeks, White and Williams.

—72

Nays:

Messrs.: Harrison, Howard, Jackson (R), Leonard, Lockett, McNair, Malone, Smith (M), Taylor and Tucker.

—10

RESOLUTION

The following resolution was introduced:

By Messrs. Carothers, Crawford and Smith (J):

H. J. R. 86. CONGRATULATING FOREST LATTA UPON BEING ELECTED GOVERNOR OF BOYS STATE.

WHEREAS the American Legion annually sponsors the Boys State Program; and

WHEREAS this program has given valuable experience in state government to thousands of Alabama's youth; and

WHEREAS Forest Latta of Dothan was elected Governor of Boys State at its recent meeting; and

WHEREAS this honor is bestowed upon someone who exhibits the qualities of leadership, scholarship and service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Forest Latta upon being elected Governor of Boys State.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Forest Latta, his principal and his parents.

On motion of Mr. Carothers, the rules were suspended and the resolution, H. J. R. 86, was adopted.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Mr. Robertson moved to reconsider the vote by which the bill, H. 92, was passed, and the motion was adopted.

Yeas 79; Nays 2.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Burgess, Campbell, Carothers, Carter, Coburn, Cooper, Cross, Crowe, Dial, Drake, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Naramore, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (J), Smith (M) Sonnier, Sparks, Starkey, Taylor, Teague, Tucker, Turnham, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—79

Nays:

Messrs.: Harrison and Sasser.

—2

MOTION TO POSTPONE TABLED

On motion of Mr. Morris, the motion offered by Mr. McNair to postpone reconsideration of the bill, H. 92, to the seventh legislative day was tabled.

Yeas 50; Nays 17.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Burgess, Campbell, Carothers, Carter, Clark, Cross, Crowe, Falkenburg, Gafford, Glass, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Holley, Hopping, Jackson (F), Johnson, Johnstone, Kelley, Lee, Lutz, McCluskey, McCulley, Malone, Martin, Moore (O), Moore (W), Morris, Robertson, Sasser, Shelton, Smith (B), Smith (J), Sparks, Starkey, Teague, Turnham, Warren, Weeks, White, Williams and Wyatt

—50

Nays:

Messrs.: Harrison, Holmes, Howard, Jackson (R), Kennedy, LeFlore, Leonard, Lewis, Lockett, McNair, Manley, Rich, Riddick, Smith (M), Taylor, Tucker and Whatley.

—17

H. 92 RECONSIDERED

And the bill:

H. 92. To provide for equalization of the maximum rate of interest permitted to be charged by State Banks with the maximum rate permitted by Federal law to any competing national bank.

Was again read at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 8.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Burgess, Campbell, Carter, Cross, Crowe, Dial, Falkenburg, Gafford, Glass, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Holley, Holmes, Hopping, Johnson,

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Kelley, Kennedy, Lewis, Lutz, McCulley, McNees, Manley, Martin, Moore (O), Moore (W), Rich, Riddick, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sparks, Starkey, Turnham, Warren, Weeks, White, Williams and Wyatt.

—49

Nays:

Messrs.: Harrison, Howard, Jackson (R), Leonard, Lockett, McNair, Malone and Smith (M).

—8

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. White to suspend the rules in order to bring up out of order the bill, H. 240, was lost lacking a four-fifths vote.

Yeas 64; Nays 30.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Burgess, Callahan, Carothers, Cates, Clark, Crowe, Drake, Edwards, Folmar, Gafford, Glass, Hall, Harris, Hilliard, Hines, Holley, Holmes, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Lockett, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—64

Nays:

Messrs.: Campbell, Carter, Coburn, Cooper, Crawford, Cross, Dial, Ford, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Howard, Jackson (R), Kelley, Kennedy, LeFlore, Leonard, Lewis, McNair, Pegues, Rich, Riddick, Robertson, Shelton, Smith (B), Taylor and Turnham.

—30

MOTION TO ADJOURN LOST

The motion offered by Mr. Robertson that the House adjourn until 10:00 o'clock a. m., Thursday, June 12, 1975, was lost.

Yeas 40; Nays 53.

Yeas:

Mr. Speaker, Biddle, Carter, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Goodwin, Harrison, Higginbotham, Hilliard, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Kelley, Kennedy, Kinsey, Lewis, McCulley, McNair, Manley, Morris, Owens, Pegues, Quarles, Roberts, Robertson, Sandusky, Shelton, Smith (J), Sparks, Taylor, Trammell, Tucker, Waggoner and Whatley.

—40

Nays:

Messrs.: Andrews, Armstrong, Baker, Barron, Brindley, Burgess, Campbell, Carothers, Cates, Clark, Cross, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Holmes, Johnstone, Jolly, Killian, Lee, Leonard, Lockett, Lutz, McCluskey, McNees, Malone,

Martin, Merrill, Mitchem, Moore (O), Naramore, Plaster, Rich, Riddick, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Turnham, Venable, Warren, White, Williams and Wyatt.

—53

RESOLUTION

The following resolution was introduced:

By Mr. Gafford:

H. R. 87. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 306 AND ACT NO. 1056 OF 1973 REGULAR SESSION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the honorable Chief Justice and the Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bill, H. B. 306, a bill which amends and re-enacts Act No. 1056, S. 1, Regular Session 1973, (Acts 1973, page 1699) the act establishing the present Ethics Commission.

1. Will H. B. 306, if enacted, delegate a part of the legislative power of the State in contravention of Section 44 of the Constitution of Alabama, which provides: "The legislative power of this State shall be vested in a legislature, which shall consist of a senate and a house of representatives"?

2. Will said H. B. 306, if enacted, contravene Section 53 of the Constitution of Alabama, which vests in each house of the legislature the power to punish its members for contempt or disorderly behavior in its presence and to protect its members against offers of bribes or corrupt solicitations?

3. If H. 306 is not enacted does Act No. 1056, S. 1 of the Regular Session 1973, in its present form, also contravene the above mentioned sections 44 and 53 of the Constitution of Alabama.

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send nine true copies of the pending bill, H. B. 306, and nine true copies of Act No. 1056, S. 1 of the Regular Session 1973 to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon the adoption of this Resolution.

On motion of Mr. Gafford, the rules were suspended and the resolution, H. R. 87, was adopted.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:50 P. M. on June 10, 1975.

H. J. R. 7

H. J. R. 8

H. J. R. 11

REGULAR SESSION
6th Day

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H. J. R. 12
H. J. R. 16
H. J. R. 19
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H. J. R. 56
H. J. R. 21
H. J. R. 57
H. J. R. 39
H. J. R. 62

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Mr. Robertson, the House adjourned until 10:30 o'clock
a. m., Thursday, June 12, 1975.

Yeas 55; Nays 36.

Yeas:

Mr. Speaker, Armstrong, Barron, Biddle, Burgess, Callahan, Compbell, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Ford, Glass, Goodwin, Hall, Harris, Harrison, Higginbotham, Hilliard, Hopping, Howard, Jackson (F), Jackson (R), Jolly, Kelley, Kennedy, LeFlore, Lewis, McCulley, McNair, McNees, Manley, Merrill, Mitchem, Owens, Pegues, Quarles, Reed, Robertson, Sandusky, Sasser, Shelton, Smith (J), Sparks, Starkey, Taylor, Trammell, Tucker, Waggoner, Whatley, Williams and Wyatt.

—55

Nays:

Messrs.: Baker, Brindley, Carothers, Cates, Clark, Falkenburg, Folmar, Gafford, Greer, Gregg, Hill, Holley, Holmes, Johnstone, Killian, Lee, Leonard, Lockett, Lutz, McCluskey, Martin, Moore (O), Moore (W), Morris, Naramore, Plaster, Rich, Riddick, Roberts, Smith (B), Smith (C), Smith (M), Sonnier, Venable, Weeks and White.

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SEVENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, June 12, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Wayne Lowe, Pastor, Beulah Baptist Church, Sterrett, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnston, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the sixth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the sixth legislative day was approved.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted favorably on the following resolutions:

S. J. R. 21. DESIGNATING TANNEHILL STATE PARK A FOLK LIFE CENTER.

and

S. J. R. 30. URGING SENATOR SPARKMAN AND SENATOR ALLEN TO LEND SUPPORT AND INFLUENCE TO THE EFFORTS

**OF THE BOY SCOUTS OF TROOP 15 OF MONTGOMERY TO
ARRANGE A CULTURAL EXCHANGE WITH A SIMILAR YOUTH
GROUP FROM THE SOVIET UNION.**

On motion of Mr. Drake, the resolutions, S. J. R. 21 and S. J. R. 30, were adopted.

Also:

**H. J. R. 84. DECLARING THE WEEK OF JUNE 16-22 ALABAMA
POULTRY PRODUCTS WEEK.**

On motion of Mr. Drake, the resolution, H. J. R. 84, was adopted.

Also:

H. J. R. 79. CONCERNING THE RIGHT TO BEAR ARMS.

On motion of Mr. Drake, the resolution, H. J. R. 79, was adopted.

BILLS ON SECOND READING

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 311. Proposing an amendment to the Constitution of Alabama to authorize regulation of the fees, commissions, percentages, allowances and compensation of county officers of Coffee County and of costs and charges of courts in said county.

The above bill was read a second time at length as required by the Constitution.

Mr. Cross, Chairman of the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 249. (With Substitute) (With Amendments): To further amend Section 89, Title 36, Code of Alabama 1940, as amended, which section regulates the size of motor vehicles allowed to travel on the public highways of this state, so as to further regulate the size of certain motor vehicles.

Mr. Cross, Chairman of the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 282. To amend Title 48, Sections 215, 216, 217, 222, and 223, Alabama Code 1940, which provides for the appointment and exercise of powers of Railway Policemen, so as to provide the Governor power to enter into reciprocal agreements with other states, allowing Railway Policemen to exercise their power and authority in other states; to allow such policemen to register with the Secretary of State.

H. 351. To amend Title 48, Section 462, Code of Alabama 1940, which relates to unlawful riding on trains, busses and trucks, so as to increase the penalty therefor.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 86. To validate in certain cases elections heretofore held in municipalities or counties on the question of the issuance of bonds.

H. 87. To authorize and empower Recorders of municipalities of less than 300,000, according to the last or any subsequent federal census, to suspend sentences and grant probation to persons convicted of violating municipal ordinances; to authorize investigations; to authorize imposition of terms and conditions or probation; to authorize revocation of probation and re-arrest of defendants; to provide for the discharge of persons complying with the terms and conditions of probation; to require Recorders to file monthly reports with the governing body; and to preserve the pardon and parole power of the mayor.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 115. (With Amendments): To validate in certain cases municipal corporations attempted to be organized under the laws of Alabama and invalid because of any irregularity in the procedure for incorporation.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 217. To validate in certain cases elections heretofore held in municipalities or counties for the purpose of authorizing any special tax under the Constitution.

H. 509. To provide further for the selection and appointment of the members of the several jury commissions by prescribing that the county commissions or other like governing bodies shall select and appoint the members of the said commissions for terms that coincide with that of the Governor and to repeal Code of Alabama 1940, Title 30, Section 10, and other conflicting laws.

H. 510. To amend Section 1 of Act No. 610, H. 811, Regular Session 1951 (Acts 1951, p. 1054, now appearing in Code of Alabama, Recompiled 1958, Title 51, Section 835), as amended, relating to license inspectors and their duties; so as to provide that the county commissions or other like governing bodies of the several counties shall appoint a license inspector for each county and repeal conflicting statutes.

H. 572. To provide that any county or municipality within this state shall have the authority to assist any other county or municipality within this state through assignment of firemen, policemen, or other law enforcement officers, on a voluntary basis, for undercover work to suppress criminal activities; to provide that any such county or municipality may pay all or any part of the hospital bills, doctors' bills, medical expenses and other related expenses incurred by any firemen, policemen, or other law enforcement officers in the performance of their duty in the county or municipality by which he is employed or in any other place either in or out of this state.

7th Day

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 432. To create and establish the Alabama Board of Funeral Service; to establish rules and regulations; to provide for the licensing of funeral directors, embalmers and funeral establishments; to provide for the examination for licenses; and to set fees therefor; to establish qualifications of applicants for licenses; to establish procedure for election and terms of members of the Board and to define powers and duties of the Board; to provide penalties; to merge the State Embalming Board into the Alabama Board of Funeral Service and provide that the latter Board shall perform all the functions and duties of the State Embalming Board; and to repeal Title 46, Sections 121 through 128, Code of Alabama 1940, and all other conflicting laws.

H. 536. To provide the means by which the mental health authorities in this state may request and obtain the return of persons committed to a mental facility in this state who have eloped into another jurisdiction within the United States and by which they may return persons committed to a mental facility in another state whose return is requested by the mental health authority of that state.

H. 395. To regulate the collection, sale, labeling, and use of blood; providing a penalty for the violation of this act.

H. 141. Providing that committees of dentists appointed or formed as Utilization Review and Quality Control Committees, Peer Review Committees and Professional Standards Review Committees shall not be deemed liable in damages for actions taken or recommendations made when acting in good faith on facts reasonably known to exist.

Mr. Cates, Chairman of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 652. To further amend Act No. 173, H. 311, Regular Session 1945, (Acts 1945, p. 304), so as to add a representative from AMVETS to the State Board of Veterans Affairs.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 132. Relating to Blount County; to provide further for the costs and charges in criminal cases in any court of the county.

H. 581. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census, providing that the circuit court bailiffs of such counties shall receive ten dollars (\$10) per day for each day of service.

H. 582. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census, providing that persons serving on jury duty in such counties shall receive \$10.00 per day for such service, in addition to mileage of 10¢ per mile, and repealing all conflicting laws.

H. 601. Relating to counties having a population of not less than 39,500 nor more than 41,750 inhabitants according to the most recent federal decennial census; to authorize private schools located in the largest municipality in such counties to participate in the recreation programs provided for by Act No. 527, H. 1330, Regular Session 1973 (Acts of 1973, p. 768), as amended, and to make the provisions of this Act retroactive.

H. 702. Relating to Fayette County; further regulating the compensation of the county superintendent of education.

H. 707. To authorize the Chambers County Commission or other like governing body to appoint an assistant county engineer; to provide for his compensation; to prescribe certain qualifications and duties; to provide for state participation in his salary and to repeal conflicting laws.

H. 708. Relating to Chambers County; to provide for payment to the employees' retirement system of Alabama of the member's and employer's contributions for the assistant county engineer of said county and to repeal conflicting statutes.

H. 709. To authorize the county commission of Chambers County to provide for the relief of Wilma M. Atkinson because of property damage sustained to her automobile.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 712. (With Substitute): To authorize county and municipal governments in counties with populations of not less than 24,000 nor more than 24,800 according to the most recent federal decennial census to enter into cooperative agreements for the administration of comprehensive land management controls as authorized under Act No. 119, H. 132, 1971 Third Special Session (Acts of Alabama 1971, Vol. V. p. 4346), and as required to allow such governmental units to meet the requirements of the National Flood Insurance Act of 1968, as amended.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 48. Relating to Jefferson County; to provide that the Jefferson County school system shall remit to the Midfield school system an appropriate amount of local school tax revenues so as to defray the additional financial burden placed upon the Midfield school system by the transfer of certain students pursuant to federal court school desegregation orders; to prescribe the formula and payment procedure for such remittance; to prescribe penalty for delinquent accounts; to provide for retroactive effect to October 1, 1974 and to repeal all conflicting statutes.

H. 6. To authorize any county in Alabama having a population of 600,000 or more according to the most recent federal decennial census and any incorporated municipality situated therein to cooperate with other governmental subdivisions, public agencies, public corporations and authorities in the construction of new residential water mains and pipes of an approved public water supply system and the extension

of presently existing approved public water supply system mains and pipes to all areas of such county not presently served by an approved public water supply system; to authorize the costs of construction and installation of said mains and pipes, together with the costs of any improvements made thereon, or any portion of said costs, to be assessed against the property abutting on the streets, avenues, alleys, highways, or other public places so improved or served by said mains or pipes to the extent of the increase in value of such property by reason of the special benefits derived from such mains or pipes and from their construction, extension or improvement by the county or incorporated municipality; and, as other means of financing such construction, extension or improvement, to authorize the issuance of revenue bonds and the payment of monies out of general and special funds of such county or municipality and out of funds received from the State of Alabama and from the United States Government; and to provide low cost loans to affected property owners.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 561. To exempt from civil liability members of organized volunteer fire departments who make efforts to preserve and protect any building and certain other property from fire.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 266. (With Amendments): To require all judges of this state to consider certain criteria in exercising their discretion for the purpose of determining whether persons accused of misdemeanors shall be released on their own recognizance in lieu of posting bail bond.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 703. To establish within the Executive Office of the Governor a Community Services Administration (CSA). This Administration will become the successor agency to the State Economic Opportunity Office authorized under provisions of the Economic Opportunity Act of 1964, as amended.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 64. (With Amendment): To amend Section 1 of Act No. 359, H. 150, Regular Session 1951 (Acts 1951, p. 646); to provide for the issuance of special license tags to owners of private or pleasure motor vehicles who hold citizen's band radio licenses issued by the Federal Communications Commission.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 169. Regulating further the licensing of motor vehicles, to provide for the issuance of semi-permanent license plates with a tab or other device indicating the payment of the license tax for the current year.

H. 134. To exempt from state income taxes any rebate on taxes paid during the year 1974 that is received during the calendar year 1975.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 312. (With Amendment): Defining, regulating and providing for the licensing of employment agencies; providing for the revocation and suspension of licenses subject to appeal; requiring the Department of Industrial Relations to enforce and administer this Act and defining its powers and duties relative thereto; creating and providing for the appointment, term, duties and compensation of an advisory board on licensing of employment agencies to assist the Department of Industrial Relations in administering this Act; prescribing penalties; and repealing conflicting laws.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 410. To provide that a school teacher or public employee employed by a public school system, the State Board of Education, the State Department of Education, State Senior Colleges and Universities, State Junior Colleges, State Vocational Technical Schools, the Alabama Commission of Higher Education and the Alabama Education Study Commission or any other State educational institution or agency, shall continue to draw his full salary for a certain period when incapacitated as a direct result of an on-the-job injury; to provide that payment of such benefits shall not exhaust his accumulated sick leave and to authorize standards for carrying out the provisions of this Act.

H. 409. To amend Sections 433(17), 433(18), 433(19), and 433(34), Title 52, Code of Alabama, Recompiled 1958, so as to include kindergartens under the purview of the State Courses of Study Committee; to require that the State Textbook Committee select only materials that are applicable to the approved Course of Study; to expand the State Textbook Committee and that up to 30% of the Textbook allocation may be spent for readiness materials and for non-consumable supplementary materials.

H. 507. To amend Section 5 of Act No. 37, H. 175, 1962 Extraordinary Session (Acts of 1962, p. 88; now appearing in Code of Alabama, Recompiled 1958, Title 51, Section 188 (14)), entitled "An Act To raise revenue; to levy an excise tax on account of the use, storage or consumption in the State of Alabama of certain utility services; to prescribe the rates thereof and exclusions therefrom; to provide the method of collecting such tax and the method of enforcing payment thereof; to provide for the disposition of the proceeds from the said tax; and to repeal all laws in conflict with this Act;" so as to exclude electricity used or consumed in the isotopic enrichment of uranium from taxation under the provisions of the act.

H. 329. To amend Title 52, Section 197, Code of Alabama, 1940, to allow educators in city school systems to accumulate sick leave at the rate of one day per month employed without limiting the number of days which may be accumulated.

H. 330. To amend Title 52, Section 136, Code of Alabama, 1940, to allow educators in county school systems to accumulate sick leave at the rate of one day per month employed without limiting the number of days which may be accumulated.

H. 405. To amend Section 367 of Title 52 Code of Alabama of 1940, as amended, which relates to the administration of the Teachers' Retirement System of Alabama; to provide that the election of certain trustees to the Board of Control of the Teachers' Retirement System be accomplished by an annual statewide election, conducted under the rules, regulations and supervision of said Board of Control; to provide that each member of the Retirement System shall be eligible to vote for each position subject to election; and to provide for the admissibility of microfilmed records.

H. 661. Relating to taxation: exempting the International Fertilizer Development Center, an Alabama nonprofit corporation, and its property from state, county and municipal taxes, licenses, fees and excises, under certain prescribed conditions.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 80. (With Amendment): To provide facilities for displaying certain aviation and other exhibits in cooperation with the Department of the Army; creating the Alabama Aviation Exhibit Commission as an agency of the State of Alabama and providing for its membership, terms, authority and duties; authorizing the issuance of revenue bonds and general obligation bonds, subject to the approval of the Governor, and providing for the retirement of such bonds; authorizing the allocation and expenditure of funds; and providing exemptions from all taxes.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 81. To propose an amendment to the Constitution of Alabama authorizing the issuance of general obligation bonds of the State of Alabama in principal amount not exceeding (\$2,000,000.00) for the purpose of providing and equipping permanent housing facilities for displaying certain exhibits in cooperation with the Department of the Army.

The above bill was read a second time at length as required by the Constitution.

H. 327. To amend further the Code of Alabama, 1940, Title 51, Section 17, as last amended by Act No. 1216, H. 977, Regular Session 1973 (Acts of 1973, p. 2062), which code section provides for state-wide property tax classifications, so as to remove Clay County as an exempted county under said Section 17, and to provide that the state tax rate shall be applicable to said Clay County.

H. 371. To exempt the Mobile Rescue Mission, Incorporated, and its property from state, county, and municipal taxes, licenses, fees, and excises, under certain conditions.

H. 639. To exempt the St. Vincent de Paul Society from the payment of all state, county and municipal sales and use taxes.

H. 206. To exempt The Muscular Dystrophy Association, Inc. from the payment of all state, county, and municipal sales and use taxes.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 82. To name the new music building at Troy State in honor of Dr. John M. Long.

H. 189. To designate the honey bee as the official state insect for the State of Alabama.

H. 434. To name and designate the physical education facility at The University of Alabama in Birmingham as The George C. Wallace Building.

H. 352. To regulate the solicitation of advertisement by any person, firm, corporation, State or Federal Peace Officers Association for any Peace Officers Magazine or Journal, to provide penalties for violation of this Act.

H. 391. To authorize the Clerk of the House and Secretary of the Senate to trade in any equipment purchased for the use of the respective houses of the Legislature on purchases of new equipment therefor.

H. 447. Relating to crimes and offenses; making it a misdemeanor for any person intentionally to injure, disturb, or interfere with any emergency call box which is erected along a public street or highway, and making it a misdemeanor willfully to create a false alarm, and prescribing penalties for violating the provisions of this Act.

H. 474. To designate the Spotted Bass as the official fresh water fish of Alabama.

H. 475. To provide that in any county in this state, the official authorized to issue automobile license plates shall issue license plates without state ownership identification at no charge to the Governor, to any state official, or to any state investigator for use on a state-owned vehicle when requested to do so as a safety measure by the Director of Public Safety.

H. 596. To designate the Eastern Diamondback Rattlesnake the official state snake of Alabama.

H. 537. To amend Section 458, Title 55, 1940 Code of Alabama, as amended, to permit a retired State Policeman to accept employment within any Department or Agency of the State government of Alabama without being required to become or remain a member of the state retirement system as a condition of their employment, or be denied retirement benefits otherwise earned as a state policeman during such term of employment in a classified position other than state policeman.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the

following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 106. (With Amendment): Relating to Russell County, providing for the hiring of two additional deputies and one county jail matron to be appointed by the sheriff, and providing salaries therefor.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 167. To alter, rearrange and extend the boundary lines of the City of Scottsboro, Jackson County, Alabama, so as to include within the corporate limits thereof certain additional territory lying within the following described boundaries, situated in Jackson County, Alabama.

H. 168. To alter, rearrange and extend the boundary lines of the City of Scottsboro, Jackson County, Alabama, so as to include within the corporate limits thereof all territory which is already included within such corporate limits immediately prior to the time this Act becomes law and, in addition thereto, all the territory which is not then included within such corporate limits but which lies within the following described boundaries, all situated in Jackson County, Alabama.

H. 450. Relating to Jackson County, providing for a salary for the chairman of the county governing body and providing for a monthly expense allowance for the chairman and members of said county governing body.

H. 693. Authorizing the county commission of Sumter County to pay the sheriff of Sumter County a monthly expense allowance of two hundred fifty dollars (\$250.00).

RESOLUTIONS

The following resolutions introduced on the sixth legislative day were read by title pursuant to Joint Rule 11:

H. R. 82. MOURNING THE DEATH OF JOYCE WILLIAMSON PRIDE OF GEORGIANA.

H. J. R. 83. MOURNING THE DEATH OF MARCIUS BRUCE LEE.

On motion of Mr. Crowe, the resolutions were adopted en masse.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 174. To make a supplemental appropriation to the Department of Health for the operation of the Medicaid Program for the fiscal year ending September 30, 1975, in the amount of \$9,600,000.00.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Merrill, the House concurred in and adopted the Senate amendment to the bill, H. 174, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make further appropriations of State Funds for the fiscal year ending September 30, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made from the State General Fund there is hereby appropriated for the fiscal year ending September 30, 1975 the following:

To the State Health Department:

For the operation of the Medicaid program \$9,600,000.00

For transfer to the Armory Commission Fund:

For salaries and other expenses 130,000.00

(Any unexpended balance of the appropriation to the Armory Commission Fund at the close of the fiscal year shall not revert) Intergovernmental Cooperation Commission:

For salaries, equipment purchases and other expenses to be used to employ by the Commission one Executive Assistant and one Secretary who shall not be subject to the provisions of the merit system law, and for other necessary expenditures by the Commission 12,875.00
National Lieutenant Governor's Conference:

To be used exclusively for proper and necessary expenses and expenditures for the National Lieutenant Governor's Conference to be held in Point Clear, Alabama, August 24-27, 1975. This appropriation shall be paid out of the State Treasury on warrant drawn on the State Comptroller upon requisition signed by the Lieutenant Governor who is the host-chairman for this conference 25,000.00

For the Legislative Fiscal Office 35,000.00

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Yeas 79; Nays 2.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Hoping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Plaster, Porter, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—79

Nays: Messrs. McNair and Riddick.

—2

And the bill:

H. 174. To make further appropriations of State Funds for the fiscal year ending September 30, 1975.

As thus amended, was again read at length and passed.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—90

NOTICE IN WRITING FILED

Mr. Morris filed the following Notice in Writing:

Notice is hereby given in accordance with both House and Senate Rules that on the next legislative day a motion will be made to amend Joint Rule 14, which joint rule requires a synopsis on general bills, so as to require that the synopsis include a statement of the source of funding if funding is involved in the bill.

RESOLUTION

The following resolution was introduced:

By Messrs. Smith (B), Riddick, Albright, Gregg and Lutz:

H. J. R. 88. COMMENDING THE MEMBERS OF THE MADISON COUNTY ELECTED OFFICIALS SALARY COMMISSION.

WHEREAS pursuant to Act No. 38, House Joint Resolution 21 of the 1975 Second Special Session of the Alabama Legislature, a salary commission was formed in Madison County to make an in-depth study of the salary structure of county officials elected in Madison County; and

WHEREAS the completed study has provided independent information to the Legislature and the Madison County Legislative Delegation from a cross-section of conscientious citizens who contributed their own expertise to this in-depth evaluation; and

WHEREAS the members of the salary commission spent many hours working diligently and forthrightly in order to arrive at such timely solutions; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Ms. Jo Ann Butler and Loretta Spencer and Messrs. Bill Daniel, Harold Dickerson, Gary Huckaby, Charles Kaylor, W. S. Loeb, Les Palmer

and Gilbert O. Spencer, Sr. as members of the Madison County Elected Officials Salary Commission and Joyce Griffin as Study Administrator for their outstanding efforts and contribution to better government in and for Madison County, to each of whom a copy of this resolution shall be sent.

BE IT FURTHER RESOLVED, That the comprehensiveness of this report shall be an example for other such study commissions to follow.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 88, on the Clerk's desk for one legislative day.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 174. To make further appropriations of State Funds for the fiscal year ending September 30, 1975.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RECESS

On motion of Mr. Crowe, the House recessed until 1:00 o'clock p. m.

HOUSE RECONVENED

The hour of 1:00 o'clock p. m. having arrived, the House reconvened. The Speaker called the House to order.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show that Mr. Smith (C) would have voted "Yea" on the Senate amendment to the bill, H. 174, had he been in the Chamber at the time of voting.

NOTICE IN WRITING FILED

Mr. Lutz filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made to amend the rules of the House by adding the following to the end of the first paragraph of Rule 43:

Provided further that, as to bills relating only to Madison or Montgomery County, a majority of the members of the House representing portions of the respective county to which a particular bill relates shall constitute a quorum of the Legislation No. 4 Committee.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Andrews, Hopping, Moore (O), Hall, White, Trammell, Boles, Porter, Jolly, Howard, Waggoner, Biddle, Harrison, Falkenburg and Hilliard:

H. 714. To provide for arbitration in order to settle disputes between policemen, and their public employers in any city having a population of 250,000 or more according to the most recent federal decennial census, specifically authorizing collective bargaining between policemen and their public employers to provide for penalties for violation of this act, to make such violations a misdemeanor and requiring compliance with collective bargaining agreements and findings of arbitrators.

Local Legislation No. 2.

By Mr. McNees:

H. 715. To provide that the named beneficiary of any retired member, who retired under the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama and who elected Option II (joint survivorship), or Option III (reduced survivorship), shall receive a survivor benefit under such Options based upon the retirement allowance payable to such retired member at the time of his death rather than at the time of his retirement.

Ways and Means.

By Messrs. Rich and Brindley:

H. 716. To amend Code of Alabama 1940, Title 52, Section 158, which relates to the authority of a city board of education, so as to allow the county board of education to continue to operate an area vocational school in territory annexed to a city and to provide that certain children residing within such area, so annexed, may continue to go to the vocational school.

Education.

By Mr. Rich:

H. 717. Relating to counties having a population of not less than 15,400 and not more than 15,625, according to the last federal decennial census; to provide that the county commission or other like governing body shall provide without charge therefor, appropriate office space in the county courthouse for any member of the state legislature representing any portion of such counties.

Local Legislation No. 1.

By Messrs. Taylor, Ford, Rich and Brindley (With Notice and Proof):

H. 718. Relating to Etowah County; to better secure the administration of the financial affairs of such county by vesting in the chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund, and other funds, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide personal civil liability for any department head or other official in charge who

violates such prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to provide that the county commission shall have authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to regulate the office of central purchasing agent and to provide penalties for violations to set the effective date of this act and to repeal conflicting laws.

Local Legislation No. 1.

Notice and Proof H. 718:

STATE OF ALABAMA
COUNTY OF ETOWAH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Etowah County; to better secure the administration of the financial affairs of such county by vesting in the chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund, and other funds, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide personal civil liability for any department head or other official in charge who violates such prohibition; to provide for proraion to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to provide that the county commission shall have authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to regulate the office of central purchasing agent and to provide penalties for violations to set the effective date of this act and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in Etowah County.

Section 2. It is the purpose of this act to better secure the administration of the financial affairs of such counties by vesting in the chairman of the county commission, and members of said commission, a direct and effective supervision over all county offices, departments, boards and agencies and to provide for the annual initiation and preparation of a balanced budget of all revenues and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund and other funds.

Section 3. The Chairman of the County Commission shall:

A. Be charged with the responsibility of supervising and controlling all payments from county funds of appropriate warrants, of warrent checks, which said warrants or warrant checks shall be signed by said chairman and the associate member of the commission with the longest consecutive tenure.

B. Direct and supervise the drafting and preparation of the tentative budget document and the final budget document;

C. Perform the necessary work in reviewing requisitions for payments as are submitted;

D. Make such investigations as he may deem appropriate as related to budgetary matters.

E. Make such rules and regulations as may be necessary for carrying out the provisions of this act;

F. Perform such other duties as are herein provided and any such duties as may be required to effectively control the financial operations of county government;

Section 4. On or before March 1 of each year, the County Commission Office (Chairman), Associate County Commissioners (District 1, 2, 3, and 4), Sheriff, Circuit Clerk, Tax Assessor, Tax Collector, Probate Judge, Coroners, Constable, County Judge, and all other county offices, departments, institutions, boards, or agencies (and all state or municipal departments, institutions, boards, commissions or agencies desiring funding, payments, or appropriations from county government) shall transmit to the chairman of the county commission estimates of their expenditures for the coming fiscal year. In event of any failure to submit a required estimate, the chairman of the county commission may cause required estimate, the chairman of the county commission may cause to be prepared such an estimate as in his opinion reasonable and proper.

Section 5. On or before March 1 of each year the chairman of the county commission shall prepare an estimate of the total income of the county for the coming fiscal year, listing and classifying such income according to source.

Section 6. Not later than July 1 of each year, the chairman of the county commission shall cause to be prepared a tentative budget. The aggregate sums tentatively budgeted for expenditure during the ensuing fiscal year shall not exceed the estimated revenues for the ensuing year plus the amounts in county funds remaining in the treasury at the close of the year in progress. Said tentative budget shall present in detail proposed expenditures to meet the needs of county government.

Section 7. County offices, departments, boards, and agencies must be given preference in the aforesaid tentative budget, as well as in the final budget adopted, so that funding, payments, or appropriations to state and municipal departments, institutions, boards, commissions and agencies (except for funding, payments or appropriations required by law) shall be reduced or eliminated as may be necessary in order that needs of county offices be first met.

Section 8. The chairman of the county commission shall make provision for public hearings on the tentative budget not later than August 15 of each year, to which he shall extend invitations to the heads of all concerned county, state and municipal offices, departments, boards, institutions, commissions and agencies, to be present at such hearings and to participate in same through the asking of questions and /or the expression of opinion in regard to items of the tentative budget.

Section 9. Within a reasonable time after the conclusion of the public hearings above provided for, but before October 1, the county commission, upon recommendation of the chairman of said commission,

shall adopt and approve a final budget for the ensuing fiscal year, which said budget may not thereafter be amended or revised except by majority vote of the said commission, upon the recommendation of the chairman, which said budget must not provide for a deficit. If said final budget should be amended for any elected county office, department board or agency before the fiscal year is completed, all other elected county offices, department boards or agencies are to be notified in writing immediately by the chairman of the County Commission.

Once said final budgets (revenues and expenditures of all county funds) are approved the Chairman of the County Commission shall publish same in a local newspaper by October 15. On or before April 15 said Chairman shall again publish said budget showing revenues received and monies expended to date. The same shall be repeated on or before September 15.

The expenditures of no office, department, board, institution, commission or agency shall exceed the amount originally provided for in the aforesaid final budget, unless same be amended or revised to provide for same by majority vote of the county commission, upon recommendation of the chairman. Any department official including the County Commission Office (Chairman) Associate County Commissioners (District 1, 2, 3, and 4) Sheriff, Circuit Clerk, Tax Assessor, Tax Collector, Probate Judge, Coroner, Constable, County Judge, who willfully violates any of the provisions of this section shall be personally liable for the amount by which the expenditures of his office, department board, institution, commission or agency exceed the amount set by the aforesaid budget up to one-hundred percent of his salary and expense allowances unless same be amended or revised as above provided for.

The chairman of the county commission shall regularly review expenditures of all offices, departments, boards, institutions, commissions and agencies and shall forthwith notify any department head or other official in charge when it appears that he will exceed his budget for the fiscal year. If the appropriate department head fails to take remedial action, the chairman of the county commission shall not sign further warrants or warrant checks in payment of expenditures of the affected department until such remedial action is taken.

Section 10. The chairman of the county commission shall restrict the payment of warrants, or warrant checks, to prevent an overdraft or deficit in any fiscal year; payments shall be payable in such proportion as the total sum budgeted for such office, department, board, institution, commission or agency, bears to the total amount estimated as available in said fiscal year; that is payments shall be made from available funds by prorating, without discrimination against any office, department, board, institution, commission or agency.

Section 11. All funds budgeted during any fiscal year to any office, department, board, institution, commission or agency, but not expended during said year, shall lapse at the end thereof and shall not be subject to expenditure (in addition to newly budgeted funds) during the ensuing fiscal year; that is such office, department, board, institution, commission or agency, shall, in the ensuing year, be limited to the amount provided for in the new budget.

Section 12. For the fiscal year commencing October 1, 1975, and ending September 30, 1976, the tenth day of the month next following the enactment of this act shall be applicable in lieu of the date of March 1 where hereinabove provided in Sections 4 and 5.

Section 13. The county commission, upon the recommendation of the chairman, shall hire a central purchasing agent whose duty shall be to maintain an inventory supply of materials and equipment, purchase such material and equipment on a competitive bid basis where practicable, and to disperse such materials and equipment chargeable to approved budgeted accounts of the various offices, department, agencies, institutions and boards. Purchase orders shall be made by a requisition from the respective department head or the respective county commissioner and said requisition order shall show the description, use and need for the article, machinery, or equipment to be purchased. All requisitions to the central purchasing agent must be approved by the agent prior to disbursement. The central purchasing agent is prohibited from approving or disbursing materials, machinery, equipment, or supplies in value beyond the final fiscal year budget approved by the county commission.

The central purchasing agent, in order to carry out his various duties and functions shall be provided by the county commission all such clerical help as may be necessary for the efficient operation. The annual salary for the central purchasing agent shall be set by a majority vote of the county commissioners in the form of a resolution but said sum shall not exceed the total sum of \$15,000.00 per year; provided that salary may be increased in the same manner as other employees insofar as cost of living salary increases are otherwise provided for by law.

The central purchasing agent, any member of his family, any dependents, or any relatives related either by blood or marriage in the third degree shall not do any business with the county.

The central purchasing agent shall not accept anything of value, including a gift, favor or service, based on any understanding that the official actions or purchases of the central purchasing agent would be influenced thereby or where it could reasonably be inferred that the thing of value would influence such person in the discharge of his duties. Expenses associated with food afforded the central purchasing agent when such expenses are in an amount of less than \$25 per year shall not be deemed a thing of value within the meaning of this section or prohibited hereby.

Any person who violates any provision of this section and is found guilty shall be fined not more than \$10,000 or be imprisoned for not more than 10 years or both.

Section 14. If any section or provision of this act is declared unconstitutional, the sections or provisions remaining shall not be affected.

Section 15. This act shall be considered cumulative, but all laws or parts of laws in conflict herewith are repealed.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA ETOWAH COUNTY

Before me, Walter Betz, a Notary Public, in and for said County, in said State, personally appeared Angie Sharp, who is known to me, and who, after being by me duly sworn, deposes and says under oath as follows:

That she is Advertising Bookkeeper of The Gadsden Times, a Newspaper published in said County, in said State, and authorized under the laws of the State of Alabama to carry legal advertising;

That, as such employee, she has knowledge of the facts hereinafter stated, and that she is authorized by said, The Gadsden Times, to make this affidavit;

That there is glued to said affidavit notice of the A Bill to be Entitled an Act, which notice was printed in The Gadsden Times in its regularly circulated editions on May 10th, May 11th, May 18th, and May 25th, 1975, and that the clipping glued to this affidavit constitutes an exact and true copy of said advertisement as it appears in The Gadsden Times on the dates shown above.

Subscribed and sworn to before me on this 26th day of May, 1975.

ANGIE SHARP.

Subscribed and sworn to before me on this 26th day of May, 1975.

WALTER BETZ,
Notary Public, Etowah County, Alabama.

By Mr. Burgess:

H. 719. To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state.

Highway Safety.

By Mr. Burgess:

H. 720. To further amend Section 49 of Title 36, Code of Alabama (1940) as recompiled, 1958 for the Highway Director to regulate the Test, Approval and Sale of Traffic Sign, Signal and Regulatory Devices used on any street or highway in the State of Alabama.

Highway Safety.

By Mr. Burgess:

H. 721. To prohibit the placing upon or in view of public highways any unauthorized sign, signal, marking or device resembling an official traffic control device or which attempts to direct the movement of traffic, prohibits the use of traffic signs or signals or commercial advertising upon any public highway, and declares every such prohibited sign to be a public nuisance and gives the highway director the authority to remove such sign.

Highway Safety.

By Mr. Burgess:

H. 722. To amend Section 21, Title 36, Code of Alabama, 1940, which provides that vehicles must stop and/or yield the right of way at certain intersections and provides that the highway department or local officials may designate the intersections.

Highway Safety.

By Mr. Burgess:

H. 723. To further amend Section 16, Title 36, Code of Alabama, 1940, providing for the manner of making turns at the intersection of roadways.

Highway Safety.

By Mr. Burgess:

H. 724. To amend Section 5, Title 36, Code of Alabama, 1940, which establishes speed restrictions for motor vehicular traffic.

Highway Safety.

By Mr. Burgess:

H. 725. To amend Section 6 Title 36, Code of Alabama, 1940 requiring that warning signals at grade crossings be obeyed.

Highway Safety.

By Mr. Burgess:

H. 726. To amend Section 25, Title 36, Code of Alabama, 1940, to permit police officers to remove unattended vehicles from public highways and to permit police officers to remove or cause to be removed from the highways certain other vehicles.

Highway Safety.

By Mr. Burgess:

H. 727. To amend further Section 1 of Title 36, Code of Alabama, 1940, for the purpose of defining or re-defining the following words and phrases: "authorized emergency vehicle," "highway," "intersection," "private road or driveway," "right of way," "stand or standing," "stop or stopping," "through highway," "vehicle," "alley," "arterial street," "business district," "street," and "urban district."

Highway Safety.

By Mr. Burgess:

H. 728. To amend Act Number 516 of the 1949 Regular Session of the Legislature which further regulates the use of the highways of the State by pedestrians and vehicles; prescribing equipment of certain vehicles and further prescribing rules and regulations governing traffic and the operation of vehicles on the highways; providing the method of enforcing this Act; and prescribing penalties for violations hereof.

Highway Safety.

By Mr. Burgess:

H. 729. To amend Section 32, Title 36, Code of Alabama, 1940, which enumerates the powers of local authorities to regulate vehicular traffic.

Highway Safety.

By Mr. Burgess:

H. 730. To further amend Section 15, Title 36, Code of Alabama, 1940, which prohibits the driver of a vehicle from following another vehicle too closely.

Highway Safety.

By Mr. Burgess:

H. 731. To amend Section 50 of Title 36, Code of Alabama, 1940, making it unlawful for any person to interfere with or to damage or destroy official traffic-control devices or railroad signs or signals.

Highway Safety.

By Mr. Burgess:

H. 732. To further amend Section 17, Title 36, Code of Alabama, 1940, which prescribes rules and signals for the starting, stopping and turning of vehicles.

Highway Safety.

By Mr. Burgess:

H. 733. To amend Section 7, Title 36, Code of Alabama, 1940, which authorizes the establishment of special speed limitations on bridges, to include speed limitations for vehicles towing house trailers and for vehicles equipped with solid rubber tires.

Highway Safety.

By Mr. Burgess:

H. 734. To further amend Section 26, Title 36, Code of Alabama, 1940, which prohibits the stopping, standing or parking of vehicles in certain specified places.

Highway Safety.

By Mr. Burgess:

H. 735. To authorize peace officers to have any vehicle removed which has been unattended for 24 or more hours upon or adjacent to any public roadway and is a traffic hazard.

Highway Safety.

By Mr. Burgess:

H. 736. To prohibit the backing of a vehicle onto a controlled-access highway and prohibits the backing of a vehicle in other places unless the movement can be made safely and without interference with other traffic.

Highway Safety.

By Mr. Burgess:

H. 737. To amend Section 9, Title 36, Code of Alabama, 1940, requiring that, upon roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway and providing for certain exceptions.

Highway Safety.

By Mr. Burgess:

H. 738. To establish rules governing the overtaking and passing of vehicles proceeding in the same direction.

Highway Safety.

By Mr. Burgess:

H. 739. To authorize local authorities and the highway department to restrict pedestrian crossing over roadways within their respective jurisdictions.

Highway Safety.

By Mr. Burgess:

H. 740. To amend Section 47, Title 36, Code of Alabama, 1940, by requiring the highway department to adopt a manual and specification for a uniform system of traffic control devices and to place such devices on all state highways and by forbidding local authorities from placing traffic control devices on state highways without permission of the highway department.

Highway Safety.

By Mr. Callahan:

H. 741. To Amend Code of Alabama 1940, Title 2, Section 606, as amended, so as to allow the sale of milk in three quart containers.

Agriculture.

By Mr. Callahan:

H. 742. To amend Act No. 96, H. 17, Special Session 1971 (Acts 1971, p. 166), which act levys a license tax for the leasing of certain tangible personal property, so as to provide exemptions for amounts paid by radio and television broadcasters for the right to broadcast copyrighted material, and for certain other audio or visual properties provided by licensors to such broadcasters.

Ways and Means.

By Messrs. Callahan, Carothers, Sonnier, Sandusky, Waggoner, Armstrong, Lutz, Jackson (R), Hilliard, Hopping, Tucker, Malone, Folmar, Venable, Hines, LeFlore, Clark and Glass:

H. 743. To be known as the Alabama Alcoholic Beverage Control Act; to regulate and control the manufacture, purchase, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing and drinking and use of alcoholic beverages; to establish an alcoholic beverage control board to regulate and control transactions in alcoholic beverages which take place in Alabama and to prohibit such transactions, except by and under the control of the board; to restrict the effect of the Act to wet counties and wet municipalities; to define and provide for the administration, functions, duties, powers and regulations of, and for receipt, disposition and use of profits of, the board; to provide for the appointment, term of office, suspension, removal, compensation, cost and expense of such board and its members, officers, agents and employees, and its administrators; to provide for the management and operation of and sales by liquor stores; to create an ABC working capital fund and to provide for use thereof; to create an ABC revolving fund from stores fund and to provide for use thereof; to authorize licensing to engage in alcoholic beverage transactions, and provide for application for, and issuance and renewal of, and regulation of the grant of licenses; to impose, levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, wholesale or retail sale of alcoholic beverages; to prescribe penalties, including suspension or revocation of licenses and fines against licensees, for violation of laws relating to manufacture, sale, possession or transportation of alcoholic beverages; to provide for sale and possession of draft or keg beer; to prohibit interlocking businesses and interest; to proscribe unlawful acts and offenses and provide for punishment therefor; to prescribe penalties for any violation of the Act or any rule or regulation promulgated by board and to provide punishment and alternate punishment therefor; to provide for supervision of sales and distributions of alcoholic beverages and the collection of licenses and taxes levied by the Act; to impose and levy an exclusive level tax on sale of beer of 8¢ for each twelve fluid ounces or fraction and provide for collection and distribution thereof, including distribution of 3¢ per twelve fluid ounces or fraction to county and municipalities therein where sold at retail; to impose and levy an exclusive level tax on sale of table wine of \$1.15 per fluid gallon or 30 1/3¢ per liter and provide for the collection and distribution thereof, including distribution of 20¢ per fluid gallon or 5 1/4¢ per liter to county and municipalities therein where sold at retail; to impose and levy tax on the sale of liquor at the rate of 28% upon the selling price and provide for the collection and distribution of the proceeds thereof; to

provide for inspections of manufacturers of distributors and to levy inspection fees; to provide for nontaxable sales; to provide for execution for unpaid taxes or penalties; to authorize stamps, crowns, and lids and prescribe time and method of affixing and distribution thereof; to provide report of drop shipments; to provide for sales and reports by wholesalers; to provide for the report of receiving or bringing into state beverages not having stamps, crowns or lids affixed; to provide for keeping and preservation of records concerning receipts, storage, sale and handling of alcoholic beverages and prescribe punishment for failure to comply; to require statements from and examination of records of carriers transporting alcoholic beverages; to provide for the confiscation and disposition of goods and articles declared to be contraband; to enforce the payment of taxes by inspection and to prescribe penalties for interfering with inspection; to prescribe penalties for failing to affix stamps and to permit a trial by jury; to prescribe penalties for fraud in the use and re-use of stamps, crowns or lids, for counterfeiting of stamps, crowns or lids and illegal possession of unattached revenue stamps, crowns or lids; to provide for election to determine classification of county as wet or dry county; to provide for special method referendum to determine classification of county as wet or dry county and to impose conditions governing sales under special method referendum; to provide for election to determine whether draft or keg beer may be sold or dispensed within a wet county; to provide municipal option elections to determine classification of municipalities as wet or dry municipalities; to provide for refund on overpayment or erroneous payment on taxes or licenses to board; to repeal all laws or parts of laws in conflict herewith or insofar as inconsistent herewith; to amend Title 29, Chapter 3, Code of Alabama 1940, and all acts amendatory thereof, supplementary thereto or substituted therefor to make the same consistent with the provisions of this Act.

Ways and Means.

By Messrs. Sandusky, Sonnier, Kennedy and Callahan:

H. 744. To propose an amendment to Section 14 of the Constitution of Alabama of 1901, which section provides that the state shall never be made a defendant in any court of law or equity, to empower the legislature to enact laws waiving the state's immunity from suit in whole or in part.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Sandusky, Sonnier, Kennedy and Callahan:

H. 745. To provide for the waiver of immunity from suit by the State of Alabama as to claims founded upon the Constitution of Alabama, Acts of the Legislature of Alabama, regulations of any executive department of the state, and express and implied contracts with the state or any agency, commission, board, institution, or department of the state, and for liquidated and unliquidated damages in cases not sounding in tort; to provide for the exclusive and original jurisdiction over such claims to be vested in the circuit courts and to establish the manner in which and the terms and conditions under which such jurisdiction may be exercised.

Constitution and Elections.

7th Day

By Messrs. Biddle, Armstrong, Falkenburg, Trammell, Harrison, Hall, Porter, Hopping, Howard, Hilliard, Jolly, Waggoner, Andrews, Gafford, Leonard and McNair:

H. 746. To provide for the rehabilitation of persons convicted of crime and sentenced to a term of confinement or detention and treatment in the county jail or other correctional facility of any county of this State having a population of 500,000 or more, according to the last or any subsequent Federal Census, and to provide that a jail or other correctional facility operated by such county in cooperation with another county or other counties shall be a correctional facility of such county within the meaning of this Act.

State Administration.

By Messrs. Dial, Teague, Moore (O) and McCluskey:

H. 747. To propose an amendment to the Constitution of Alabama authorizing the issuance of general obligation bonds of the State of Alabama in principal amount not exceeding \$3,000,000.00 for the purpose of providing and equipping permanent housing facilities for the display of certain exhibits.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Dial, McCluskey, Teague and Moore (O):

H. 748. To provide facilities in Talladega County for displaying certain antique automobiles, artifacts relating to the history of the automobile and historical displays relating to the automobile racing industry; creating the Alabama Automobile Museum Exhibit Commission as an agency of the State of Alabama and providing for its membership, terms, authority and duties; authorizing the issuance of revenue bonds and general obligation bonds, subject to the approval of the Governor, and providing for the retirement of such bonds; authorizing the allocation and expenditure of funds; and providing exemptions from all taxes.

Ways and Means.

By Mr. Harris:

H. 749. To repeal Section 4 of Act No. 20, H. B. 82, Regular Session 1953, (Acts 1953, p. 25, now appearing in the Code of Alabama, Recompiled 1958, Title 36, Section 5 (4), which section relates to notation of conviction on a person's driver's license when he is convicted of a speeding violation.

Highway Safety.

By Messrs. Lutz, Manley and Armstrong:

H. 750. To amend further Title 21, Section 99, Code of Alabama 1940, relating to debts owed to a minor, etc., may be discharged by paying into probate; so as to increase the amount which may be paid.

Judiciary.

By Messrs. Lutz, Riddick, Albright, Gregg, Moore (W) and Smith (B) (With Notice and Proof):

H. 751. To authorize and empower the director of the Madison County License Department to charge and collect a fee of \$1.00 for the performance of duties relative to the recording of the transfer of ownership of motor vehicles as prescribed in Title 51, Section 706,

Code of Alabama 1940, as last amended; to provide that all fees so collected shall be the property of the county and shall be paid into the general fund of the county; to repeal conflicting laws.

Local Legislation No. 4.

Notice and Proof H. 751:

STATE OF ALABAMA
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize and empower the director of the Madison County License Department to charge and collect a fee of \$1.00 for the performance of duties relative to the recording of the transfer of ownership of motor vehicles as prescribed in title 51, section 706 code of Alabama 1940, as last amended; to provide that all fees so collected shall be the property of the county and shall be paid into the general fund of the county; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

SECTION 1. In Madison County, Alabama, a fee of \$1.00 shall be charged by the Director of the License Department for recording the change of ownership of an automobile or other motor vehicle, as provided by Section 706 of this Title.

SECTION 2. The fee shall be paid to the Director by the new owner, and the fee so collected shall be the property of Madison County and shall be paid into the County's General Fund.

SECTION 3. All laws or parts of laws which conflict with this Act are repealed.

SECTION 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on May 10, 17, 24 and 26, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 28 day of May, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

By Messrs. Armstrong, Hill, Malone, Whatley, Kinsey, Hall and Gregg:

H. 752. To amend Code of Alabama 1940, Title 15, Section 100 and 104 which provided for the issuance and execution of search warrants by a local magistrate, based on probable cause, so as to provide for the issuance to and the execution of such search warrants by any officer of the Alabama Bureau of Investigation or any officer of the Intelligence Unit of the Department of Public Safety, as well as the sheriff or constable.

State Administration.

By Mr. Hill:

H. 753. To amend Section 6 of Act No. 48, H. 413, Regular Session 1973 (Acts 1973, p. 76) regulating the employment of all legislative employees so as to provide for the employment of one additional page for each house to be appointed upon recommendation of the Department of Youth Services.

Ways and Means.

By Mr. Hill:

H. 754. To amend Section 10 of Act. No. 1163 enacted at the 1973 Regular Session of the Legislature of Alabama so as to provide that any justice or judge of the supreme court, a court of appeals or a circuit court who takes office as such justice or judge after September 18, 1973, shall, if he has held office as a judge of a circuit court for a continuous period in excess of six years ending before September 18, 1973, be entitled to receive credit for the entire time of such service as time of service in the judicial office he holds at the time he first becomes eligible to have the provisions of this Act apply to him and, further, shall be entitled to such credit for prior service as a legal or judicial officer or as a member of the Legislature of Alabama; provided that such justice or judge shall make a timely election to have the provisions of this Act apply to him and shall make certain payments into the Judicial Retirement Fund within prescribed time limits.

Ways and Means.

By Messrs. Lee, Johnson, Howard, Clark and Owens:

H. 755. To amend further Section 4 of Act No. 1292, H. 1795, Regular Session 1971 (Acts of 1971, p. 2220), which act creates the office of commissioner of licenses in counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census, so as to provide for the appointment of a deputy commissioner of licenses in such counties.

Local Legislation No. 1.

By Messrs. Lee, Johnson, Howard, Robertson, Clark and Owens:

H. 756. Relating to counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census, providing for the salaries of the deputy circuit clerk, the deputy tax assessor, the deputy tax collector, and the deputy license commissioner of such counties.

Local Legislation No. 1.

By Mr. Folmar (With Notice and Proof):

H. 757. To alter rearrange and extend the boundary lines and corporate limits of the Town of Goshen, in the County of Pike and

State of Alabama; providing for the exemption from ad valorem taxation of farm lands annexed by this Act; and prescribing the time when this Act shall become effective.

Local Legislation No. 1.

Notice and Proof H. 757:

NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage made.

A BILL TO BE ENTITLED AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the Town of Goshen, in the County of Pike and State of Alabama; providing for the exemption from ad valorem taxation of farm lands annexed by this Act; and prescribing the time when this Act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the Town of Goshen, in the County of Pike, and State of Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said Town all of the following territory, namely:

All of Sections 26 and 35, and the East half of the East half of Section 27, and the East half of the East half of Section 34, all in Township 9 - North, Range 19 - East, Pike County, Alabama.

Section 2. That all farm lands annexed by this Act, the improvements thereon and the appurtenances thereunto appertaining, shall be exempt from all ad valorem taxation by the Town of Goshen during the time such property is used for farming purposes.

Section 3. That all laws or parts of laws in conflict herewith are hereby repealed.

Section 4. That this Act shall become effective upon its passage and approval by the Governor.

STATE OF ALABAMA PIKE COUNTY

Before me, Phyllis Bryan, a Notary Public in and for said State and County, personally appeared David Marion who being sworn deposes and says on oath, that he is the General Manager of THE TROY MESSENGER, a newspaper published daily, in the City of Troy, Pike County, Alabama, and that the foregoing attached notice To extend Boundary Lines & Corporate Limits For The Town of Goshen was published in said Newspaper 4 times, the same appearing in the issues dated: March 19, 26, April 2, 9, 1975.

DAVID MARION,
General Manager.

Sworn to and subscribed before me this the 11 day of April, 1975.

PHYLLIS BRYAN,
Notary Public, Pike County, Alabama.

By Messrs. Hines and Warren:

H. 758. To appropriate \$50,000.00 from the general fund in the state treasury to the general fund of Escambia County as reimbursement for costs incurred in the trial of state inmates in that county.

Ways and Means.

By Mr. Hines:

H. 759. To provide for paroled convicts to earn good time deductions from penitentiary and hard labor sentences while on parole at the same rate that such good time deductions are earned by prisoners serving sentences in prison.

Judiciary.

By Mr. Hines:

H. 760. To amend further Code of Alabama 1940, Title 42, Section 12, as amended, so as to allow a delinquent parolee to receive credit toward fulfillment of the execution of his sentence to imprisonment for the time spent in prison after the date of his arrest as a delinquent parolee.

Judiciary.

By Mr. Hines:

H. 761. To amend Code of Alabama 1940, Title 15, Section 325 relative to place of confinement for persons sentenced to three years or less imprisonment.

Judiciary.

By Messrs. Leonard, Jackson (R), McCluskey, Pegues, Barron, Holley, Malone, Kennedy, Quarles, Goodwin, Hall, Brindley, Cates, Smith (J), Morris, Teague, Sasser, Cross, Biddle, Harrison, Hilliard, Moore (O), Trammell, Waggoner, Jolly, Hopping, Porter and Merrill:

H. 762. To further amend Section 440, Title 37, Code of Alabama 1940, as amended, so as to remove the existing statutory ceiling on the salary of the mayor in municipalities organized and operating under the council form of government.

Local Government.

By Mr. Hill:

H. 763. To authorize and provide for the deduction and withholding of dues to the Alabama State Employees' Association from the salaries of state employees who authorize such deductions.

State Administration.

By Mr. Smith (J):

H. 764. To propose and provide for the submission of a constitutional amendment reaffirming the Preamble to the Constitution of Alabama and to revise Article I thereof, which Article asserts the Declaration of Rights; and for the repeal of Article I of the Constitution of Alabama of 1901, as amended.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Smith (M):

H. 765. To authorize the county commissions of all counties having populations of not less than 17,000 nor more than 20,000 to provide for the relief of Dan Powell to pay for dentist bills incurred due to a broken tooth received while working for the county.

Local Legislation No. 1.

By Messrs. Albright, Lutz, Moore (W), Riddick, Gregg and Smith (B)
(With Notice and Proof):

H. 766. To authorize the Madison County Commission to pay the expenses of defending lawsuits brought against employees of Madison County, Alabama, resulting from the performance of any work while in the employment of Madison County.

Local Legislation No. 4.

Notice and Proof H. 766:

STATE OF ALABAMA
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the Madison County Commission to pay the expenses of defending lawsuits brought against employees of Madison County, Alabama, resulting from the performance of any work while in the employment of Madison County.

Be It Enacted by the Legislature of Alabama:

Section 1. Any law to the contrary notwithstanding, the Madison County Commission or any successor governing body of said county may, in its discretion, defray the cost of defending any lawsuit brought against any county employee when such lawsuit is based upon or grows out of the performance by said employee of any act done while in the employment of the county so long as said act does not involve a willful or wanton personal tort or a criminal offense committed by the employee. The expenses of defending such litigation may include witness fees, transportation, toll and ferry expenses of witnesses, attorneys fees, court costs, and any other cost in connection with the defense of said litigation.

Section 2. If the county has expended money for the purposes set out hereinabove in Section 1 of this Act, such expenditure is hereby validated and shall not be charged back to the official making such payment, neither shall the person who receives such payment be liable for any reimbursement of same.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to

REGULAR SESSION
7th Day

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me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on April 23, 30, May 7 and 14, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 14 day of May, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

By Messrs. Folmar, McCorquodale, Wyatt, Baker, Smith (M), Greer, Biddle, Morris, Jackson (F), Reed, Teague, Venable, Cates, Hines, Holley, White, Plaster, Crowe, Waggoner, Coburn, Williams, Turnham, Higginbotham, Owens, Drake, Brindley, Harris, Smith (J), McCulley, Weeks, Kennedy, Hill, Shelton and Cooper:

H. 767. To provide for a users fee to be paid by each registered land surveyor and professional engineer and to deposit said fees in the State Treasury to the credit of the Land Surveys Fund; to provide for the expenditure of said monies; and to make an appropriation.

State Administration.

By Messrs. Folmar, McCorquodale, Wyatt, Baker, Smith (M), Greer, Biddle, Morris, Jackson (F), Williams, Reed, Teague, Venable, Cates, Hines, Holley, White, Plaster, Crowe, Waggoner, Coburn, Turnham, Higginbotham, Owens, Drake, Brindley, Harris, Smith (J), McCulley, Weeks, Kennedy, Hill, Shelton and Cooper:

H. 768. To provide for a fee to be paid for filing or recording any instrument conveying real estate or any interest therein and for such fee to be forwarded to the State Treasurer; to provide for the disposition of said funds by the State Treasurer; to provide that all funds paid out by the State Treasurer shall be budgeted and allotted; and further providing that any monies in the Land Surveys Fund in excess of \$100,000.00 at the end of any state fiscal year shall be transferred into the General Fund of the State.

State Administration.

By Mr. Albright:

H. 769. To create a Board of Trustees to manage, control, and maintain Alabama Agricultural and Mechanical University at Huntsville; to prescribe the powers, duties, authority, and compensation of the board; to provide for the appointment and prescribe the terms of office of members thereof; to divest the State Board of Education of all jurisdiction, power and authority with respect to the supervision, management and control of said university; and to provide for the transfer from said State Board of Education to the Board of Trustees of Alabama Agricultural and Mechanical University all supplies, funds, books, documents, records, and other property or effects of such University.

Education.

By Messrs. Riddick, Lutz, Smith (B), Albright, Gregg and Moore (W)
(With Notice and Proof):

H. 770. To authorize Madison County, Alabama, to levy a business or privilege fee upon any business, vocation, occupation, calling or profession for which a business or privilege fee or tax is not required

for either the State of Alabama or the county by the laws of the State of Alabama, and to limit the amount of any such business or privilege license fee.

Local Legislation No. 4.

Notice and Proof H. 770:

STATE OF ALABAMA
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize Madison County, Alabama, to levy a business or privilege fee upon any business, vocation, occupation, calling or profession for which a business or privilege fee or tax is not required for either the State of Alabama or the county by the laws of the State of Alabama, and to limit the amount of any such business or privilege license fee.

Be It Enacted by the Legislature of Alabama:

SECTION 1. This Act shall apply only to Madison County, Alabama, and to no other county.

SECTION 2. As used in this Act, the following words and terms shall have the meanings hereby ascribed to them: "the county" means Madison County, Alabama; "the governing body" means the governing body of Madison County, Alabama, whether it be a county commission, board of revenue, or other governing body; "person" includes any natural person, corporation, firm, association or other entity; and "business" includes business, vocation, occupation, calling or profession; "license or privilege fee" shall not include any sales or use tax.

SECTION 3. The purpose of this Act is to equalize the burden of taxation by authorizing the county to impose a license or privilege fee upon persons now engaging in certain businesses without paying any license fee or tax thereon to either the state or county.

SECTION 4. The governing body of the county is hereby authorized to levy a license or privilege fee upon any person for engaging in any business for which he is not required by law to pay any license or privilege fee or tax to either the State of Alabama or the county by any of the following: Article 1, Chapter 20, Title 51; Sections 176, 177, 178, 180, 182, 183, 184, 186, 429, and 826 in Title 51 of the Code of Alabama as amended.

When a person is engaged in more than one business for one or more of which a license or privilege fee or tax is required to be paid to the State or the county but for one or more of which no license or privilege fee or tax is required to be paid to the State or county, the county governing body shall have the authority to levy a license or privilege fee upon that business, or those businesses, for engaging in which such person is not required to pay any license or privilege fee or tax to the State or county.

SECTION 5. The fee hereby levied shall be paid to that officer or employe of the county chargeable with the duty of collecting license or privilege fees or taxes payable to the county.

SECTION 6. No license or privilege fee levied by the governing body of the county on any person for engaging in any business shall be at a rate which is in excess of the rate of license or privilege fee or tax levied by the largest municipality of the county on the same or similar type of business activity.

SECTION 7. It is hereby provided that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

SECTION 8. The provisions of this Act are severable, and should any part of this Act be declared unconstitutional or void, such declaration shall not affect the remaining provisions.

SECTION 9. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on May 10, 17, 24 and 26, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 28 day of May, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

By Mr. Pegues:

H. 771. To authorize one additional unit to be known as a "principal unit" on the basis of each school that has at least 15 teacher units in the Minimum Program and provide funds in the annual appropriations for such units.

Ways and Means.

By Messrs. Carothers, Folmar, Sonnier, Smith (B), Robertson, Sasser, McNeese, White and Crowe:

H. 772. To amend Title 33, Section 37, Code of Alabama, 1940 which declares and sets forth the Mechanics and Materialman's lien, so as to include Land Surveying and Engineering Services under the provisions of this lien statute.

State Administration.

By Messrs. Crowe and Biddle:

H. 773. To define the crime of looting and provide penalties for the commission thereof.

Judiciary.

By Messrs. Plaster and Edwards:

H. 774. To make an appropriation to Lowndes County Board of Education for the constructing and equipping of a school at Hayneville, Alabama.

Ways and Means.

By Messrs. Carter, Moore (W), Drake, Cross and Morris:

H. 775. To exempt trucks used by farmers, custom harvesters or husbandmen from state weight regulations when such trucks are used exclusively for the purpose of transporting agricultural commodities or products to and from a farm.

Commerce and Transportation.

By Mr. Crowe:

H. 776. To amend Section 8 of Act No. 492, General Acts of Alabama, 1947, relating to and regulating contracts for public works, so as to give the awarding authority twenty-one days in which to complete execution of a contract.

State Administration.

By Mr. Gafford:

H. 777. To amend Section 6, Act No. 160, H. 59, 1971 Third Special Session of the Legislature (Acts 1971, Vol. V, page 4404), as amended, to further set the standards and responsibilities for appraisers inspecting real property and improvements for purposes of evaluation, and to provide certain rights of the occupants and owners of such property.

State Administration.

By Mr. Gafford:

H. 778. To authorize the court to request the convening of a committee of legislators to advise it relative to the legislative intent of a law when the determination of the legislative intent of such law is needed in connection with a case then pending in the supreme court, the court of civil appeals, or the court of criminal appeals; to provide for the designation of the members of such committee; to provide for their meetings and for the compensation and expenses of the members of such committee; and specifically to provide that the opinion of the committee shall be advisory only and shall not be in any way binding on the court.

State Administration.

By Mr. Gafford:

H. 779. To provide for the determination of the legislative intent of a law by a committee of the legislature instead of the attorney general, when the determination of such intent is necessary in order for the attorney general to render his opinion in answer to a legal request for his opinion relative to the effect of the law; to require the attorney general to base his opinion on the legislative intent declared by such committee; and to provide for the appointment and compensation of members of such committee.

State Administration.

By Messrs. Merrill, Shelton, Burgess and Quarles:

H. 780. To amend Section 3.06 of Act No. 404, S. 430, 1953 Regular Session (Acts of 1953, p. 472), as amended, entitled "An Act To permit any city in the State of Alabama having a population of more than thirty thousand and not exceeding thirty-three thousand according to the last or any succeeding federal census to adopt the council-manager form of municipal government, to provide for the calling and holding of elections to vote thereon, to provide for the election and term of the first council, to define the legal status, form of government and powers of the city, to provide for subsequent elections of members of the council, their number and their terms of office, to provide for the

qualification, powers and authority of the council, the mayor and the city clerk, and for the election of the mayor and city clerk, to provide for the appointment and removal and to define the powers of the city manager, to provide for an annual budget, its preparation, submission, adoption and effect, to create and define the powers and duties of a department of finance and of the director thereof, to regulate purchases and contracts of the city, and to define their powers and authority, to set up the terms and effects of succession in government of any city adopting the council-manager form of government, to provide for the establishment and reestablishment of wards, to make various other provisions for such form of government of any such city, and to provide for the means of abandoning the council-manager form of government," so as to provide that candidates for the post of council member may also run for the designated post of mayor, with the candidate receiving the greatest number of votes being automatically designated mayor for a four-year term.

Local Legislation No. 1.

By Mr. Callahan (With Notice and Proof):

H. 781. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939, (Local Acts, 1939, p. 298) which creates and establishes the County-wide Civil Service System in Mobile County.

Local Legislation No. 3.

Notice and Proof H. 781:

STATE OF ALABAMA
COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939, (Local Acts, 1939, p. 298) which creates and establishes the County-wide Civil Service System in Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section VIII of Act No. 470, H. 952 of the Regular Session of 1939 (Local Acts 1939, p. 298) which creates and establishes the County-wide Civil Service System in Mobile County, Alabama, is hereby amended to read as follows:

Section VIII. The Board shall elect and fix the salary of the Director who shall hold office at the will of the Board. The Board shall prescribe such qualifications as to residence, education, and experience as may be necessary in its opinion to fill the position of Director. His salary shall be fixed by the Personnel Board provided such salary shall not exceed the sum of Twenty Thousand Dollars (\$20,000.00) per annum. The Director's salary shall be payable monthly and as provided in Section 30 hereof. The Director, as executive head of the Department, shall direct and supervise all its administrative and technical activities. It shall be his duty to: (1) Attend all meetings of the Board and provide for recording its official actions, but he shall not have a vote. (2) Appoint from the Employment Register such

employees of the Department, and such experts and special assistants as may be necessary to carry out effectively the provisions of this Act; (3) Prepare and recommend rules and regulations for the administration of this Act. (4) Recommend, and on its adoption, establish, administer and execute a Classification Plan for the Classified Service. (5) Submit to the Board a pay plan for all positions in the classified service. (6) Conduct tests, formulate employment registers, and certify persons qualified for appointment; devise and administer employee service ratings. (7) Examine all payrolls or other compensation for personal services within the classified service with authority to disapprove, from time to time, any item or items thereof, and no such item so disapproved in writing by him shall be paid or authorized for payment. (8) Establish and maintain a roster of all of the officers and employees in the classified service. (9) Make such reasonable investigations pertaining to personnel, salary scales, and employment conditions in the classified service as may be requested by the Board, the Supervisory Committee, or by the governing bodies of the county or any city therein. (10) Make investigations concerning the administration and effect of this Act and the rules made thereunder and report his findings and recommendations to the Board. (11) Make an annual report to the Board. (12) Perform any other act or acts required of him under this Act or required of him by the Board which may be necessary or proper to carry into effect its purposes and spirit. The Director may join or subscribe to any association or service of publication having as its purpose the interchange or dissemination or information relating to the improvement or personnel administration. When any person serving as Director has attained age 60, and has served for 20 years or more as such Director, or has served for 20 years or more as such Director and as an officer or employee of any governmental body or agency serviced by the Personnel Department provided for in this Act, may upon his election be retired by the Board, with a retirement allowance equal to but not exceeding fifty percent of the amount of the monthly salary paid him for the high three out of the five years immediately preceding retirement. In computing such retirement allowance any monthly payment received from any employees' pension or retirement plan organized under the laws of the State of Alabama shall first be deducted from the retirement allowance and the balance shall be payable monthly in the same manner and from the same funds as the salaries and other expenses of the Personnel Department are paid. The minimum age for retirement of any person serving as Director shall be sixty (60) years; provided, that it shall be mandatory for any person serving as Director to retire at 70 years of age; provided further, that any person serving as Director who has attained age 50, who has otherwise qualified for retirement, may be retired by the Board if he becomes physically disabled and incapable of performing his duties.

Section 2. This Act becomes effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Joyce Butt being sworn, says that she is Bookkeeper of The Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register Dec. 10, 17, 24, 31, 1974.

JOYCE BUTT.

Sworn to and subscribed before me this 27 day of May, 1975.

GARY L. RICHARDSON,
Notary Public.

By Mr. Callahan (With Notice and Proof):

H. 782. Relating to Mobile County: To amend further Section 1 of an Act approved June 28, 1940 (Act No. 594, H. 1044, Local Acts of Alabama, 1939, p. 355), placing the Sheriff of Mobile County, Alabama, on a salary basis.

Local Legislation No. 3.

Notice and Proof H. 782:

ALABAMA LEGISLATURE

A BILL
TO BE ENTITLED
AN ACT

Relating to Mobile County: To amend further Section 1 of an Act approved June 28, 1940 (Act No. 594, H. 1044, Local Acts of Alabama, 1939, p. 355), placing the Sheriff of Mobile County, Alabama, on a salary basis.

Be It Enacted by the Legislature of Alabama:

Section 1 of Act 594, H. 1044, Regular Session 1939 (Local Acts 1939, p. 355), an act regulating the compensation of the Sheriff of Mobile County, as amended, is amended further to read as follows:

"Section 1. At the expiration of the term of the incumbent, the Sheriff of Mobile County shall be entitled to be compensated in an amount equal to 90% of the salary received by Circuit Judges in such counties where the circuit is limited to the size of said county, per annum as salary or compensation. Such sum shall be paid out of the County treasury of Mobile County, Alabama, in equal monthly installments at the end of each month, upon warrants drawn in the same manner as other officers and employees of Mobile County, Alabama."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Joyce Butt being sworn, says that she is Bookkeeper of The Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register April 9, 16, 23.

JOYCE BUTT.

Sworn to and subscribed before me this 4 day of June, 1975.

GARY L. RICHARDSON,
Notary Public.

By Mr. Callahan (With Notice and Proof):

H. 783. To further amend Section 2 of an Act of the Legislature of Alabama being Local Act. No. 102 approved June 3, 1975, page 59 of the Local Acts of 1943 as amended by an Act of the Legislature of Alabama being Local Act No. 784 approved September 8, 1961, page 1136 of the Local Acts of 1961, entitled: "To authorize the Sheriff of Mobile County, Alabama, to select and appoint an attorney to advise and counsel him on the operation of such office and to handle all legal matters pertaining to said office; to provide for the manner of

the appointment of such attorney, the term of office of such attorney; to provide for the salary of such attorney and the method of payment of such salary."

Local Legislation No. 3.

Notice and Proof H. 783:

ALABAMA LEGISLATURE

AN ACT

To further amend Section 2 of an Act of the Legislature of Alabama being Local Act No. 102 approved June 3, 1975, page 59 of the Local Acts of 1943 as amended by an Act of the Legislature of Alabama being Local Act No. 784 approved September 8, 1961, page 1136 of the Local Acts of 1961, entitled: "To authorize the Sheriff of Mobile County, Alabama, to select and appoint an attorney to advise and counsel him on the operation of such office and to handle all legal matters pertaining to said office; to provide for the manner of the appointment of such attorney, the term of office of such attorney; to provide for the salary of such attorney and the method of payment of such salary.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 of an Act of the Legislature of Alabama being Local Act No. 102, approved June 3, 1943, page 59 of the Local Acts of Alabama of 1943, which was amended by an Act of the Legislature of Alabama, being Local Act No. 784, approved September 8, 1961, page 1136 of the Local Acts of Alabama of 1961, be and the same is hereby amended so as to read as follows: "Section 2. Such attorney so appointed shall receive as his compensation FOUR THOUSAND EIGHT HUNDRED AND NO/100 (\$4,800.00) DOLLARS per annum, payable in equal monthly installments upon warrants drawn in the same manner as other employees of Mobile County. In addition thereto, shall be paid on warrants drawn on Mobile County for litigation or for other extraordinary regular service at the prevailing hourly rate in said county for such services".

Section 2. That all laws or parts of laws, general, local or special, in conflict with the provisions of this Act be, and the same are hereby expressly repealed.

Section 3. This Act shall become effective immediately upon its passage by the Legislature and its approval by the Governor or its otherwise becoming a law.

Joyce Butt being sworn, says that she is Bookkeeper of The Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register April 8, 15, 22,

JOYCE BUTT.

Sworn to and subscribed before me this 4 day of June, 1975.

GARY L. RICHARDSON,
Notary Public.

By Mr. Callahan (With Notice and Proof):

H. 784. To apply only in Mobile County; providing for service of witness subpoenas by mail.

Local Legislation No. 3.

Notice and Proof H. 784:

ALABAMA LEGISLATURE

A BILL
TO BE ENTITLED
AN ACT

An Act to apply only in Mobile County providing for service of witness subpoenas by mail.

Be It Enacted by the Legislature of Alabama:

Section 1. In Mobile County, the Sheriff shall execute every order from every court in Mobile County to subpoena witnesses as provided in Section 449, Title 7, Code of Alabama, 1940 or the service may be made by first class mail as follows: It shall be the duty of the Sheriff of the county to enclose the subpoenas in an envelope addressed to the person to be served and place all necessary postage and a return address thereon. In the event said witness subpoena is returned to the Sheriff by the Post Office Department of the United States without delivery, the subpoena shall be by the Sheriff returned NOT FOUND. All witness subpoenas not returned to the Sheriff by said Post Office Department shall be considered for all purposes as sufficient personal and legal service. The provisions of this section in reference to service by mail shall not apply, however, to witness subpoenas returnable before the court instantler. Such subpoenas shall be served only as provided in Section 449 of Title 7, Code of Alabama, 1940.

Section 2. This act is cumulative:

Section 3. This act shall become effective immediately upon its passage and approval by the Governor and upon its otherwise becoming a law.

Joyce Butt being sworn, says that she is Bookkeeper of The Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register April 9, 16, 23.

JOYCE BUTT.

Sworn to and subscribed before me this 4 day of June, 1975.

GARY L. RICHARDSON,
Notary Public.

By Messrs. Malone, Glass, McCulley, Kennedy, Johnstone and LeFlore:

H. 785. To provide that the employees of any county having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal decennial census, any city in any such county, except a city having a population of more than 175,000 according to this same census, any municipal utility board, any other municipal agency, and any municipal public or quasi-public corporation, and any other governmental entity within such county, may by election designate a bargaining agent to represent them in respect to the wages the governmental entity employing them shall pay them and in respect to other conditions of employment; to provide for calling and conducting elections to certify a bargaining agent and elections to decertify a bargaining agent; to authorize the director of labor of the State of Alabama to establish rules and regulations governing the call of, notice of, and conduct of such elections; to provide for collective bargaining proceedings to be instituted by the bargaining agent or the officer or body empowered to establish wages for the

employees; to provide for compulsory arbitration; to provide for the appointment of arbitrators and define their jurisdiction and authority; to provide that the arbitrators' decisions shall be binding upon all parties; to provide for the enforcement of such decisions by the circuit court; to provide that it shall be unlawful for an employee to strike or engage in any work stoppage or slowdown; and that it shall be unlawful for any bargaining agent, or any officer or body empowered to establish wages for employees to fail to bargain in good faith, in accordance with this act, or to fail to carry out any decision rendered by the arbitrators; to provide penalties for any person violating this act; and to repeal all laws or parts of laws, whether general, special or local, in conflict with this act.

Local Legislation No. 3.

By Messrs. Malone, Glass, McCulley, Kennedy, Johnstone and LeFlore:

H. 786. To provide that the employees of any city having a population of not less than 175,000 nor more than 275,000 according to the most recent federal decennial census, may by election designate a bargaining agent to represent them in respect to the wages the city employing them shall pay them and in respect to other conditions of employment; to provide for calling and conducting elections to certify a bargaining agent and elections to decertify a bargaining agent; to authorize the director of labor of the State of Alabama to establish rules and regulations governing the call of, notice of, and conduct of such elections; to provide for collective bargaining proceedings to be instituted by the bargaining agent or the officer or body empowered to establish wages for the employees; to provide for compulsory arbitration; to provide for the appointment of arbitrators and define their jurisdiction and authority; to provide that the arbitrators' decisions shall be binding upon all parties; to provide for the enforcement of such decisions by the circuit court; to provide that it shall be unlawful for an employee to strike or engage in any work stoppage or slowdown; and that it shall be unlawful for any bargaining agent, or any officer or body empowered to establish wages for employees to fail to bargain in good faith, in accordance with this act, or to fail to carry out any decision rendered by the arbitrators; to provide penalties for any person violating this act; and to repeal all laws or parts of laws, whether general, special or local, in conflict with this act.

Local Legislation No. 3.

By Messrs. Manley, Pegues, McCluskey, Teague, Dial, Campbell, Lockett, Armstrong, Waggoner, Coburn, McNees, Leonard, Falkenburg, White, Moore (O), Trammell, Andrews, Harrison, Robertson, Johnson and Biddle:

H. 787. To amend Act No. 284 of the 1963 Regular Session of the Legislature "relating to contractors bidding on highway work submitting a check or bid bond with their bid as a proposal guaranty" to increase the maximum amount of the certified check or bid bond which a bidder on highway work must submit.

State Administration.

By Mr. Manley:

H. 788. To further amend and reenact the Title and Act of Act No. 563, S. 8, Acts of Alabama 1965, Regular Session, at pages 1049-1050, as amended by Act No. 725, S. 82, Acts of Alabama 1967, Regular Session, at pages 1560-1561, relating to the reporting of incidents of abuse or neglect of children: by adding a new section 1, which gives definitions of "abuse", "neglect," "child" (meaning a person under

the age of eighteen years), and "duly constituted authority"; by adding a new section 2, which gives the purpose of the Act; by amending section 1 to be section 3, to include further categories of persons who are required to report child abuse or neglect and to provide for reporting to a "duly constituted authority"; by adding a new section 4, which allows for permissive reporting of child abuse or neglect; by amending section 2 to be section 5; by adding a new section 6, which provides for protective custody of abused or neglected children; by adding a new section 7, which gives the duties of the department of pensions and security upon a receipt of a report of child abuse or neglect; by adding a new section 8 which provides for the establishment of a central registry of reports of child abuse and neglect and also provides for the confidentiality of such reports and records, with a violation of this provision of confidentiality being a misdemeanor and punishable accordingly; by amending section 3 to be section 9; by amending section 4 to be section 10 and by excepting the attorney client privilege from the provision whereby the doctrine of privileged communication is not grounds for excluding evidence in judicial proceedings resulting from reports of child abuse or neglect; by adding a new section 11, which provides that in every case involving an abused or neglected child which results in a judicial proceeding, an attorney will be appointed to represent the child; by adding a new section 12 which provides that the department of pensions and security may make regulations as may be necessary to implement this Act; by amending sections 5, 6, 7 and 8 to be sections 13, 14, 15, and 16 respectively; and by making further changes.

Public Welfare.

REPORT OF THE JOINT INTERIM STUDY
COMMITTEE ON THE PAY SCALE AND SALARY
STRUCTURE OF STATE OFFICIALS, EMPLOYEES,
CABINET MEMBERS AND LEGISLATORS

INTRODUCTION

Pursuant to Senate Joint Resolution No. 38, approved January 23, 1975, this Committee was established to conduct a comprehensive study of the pay scales and salary structures of individuals employed by the State of Alabama and to report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1975 Regular Session.

Following its establishment, the Committee held several meetings with various State officials and others in which it outlined the specific objectives of its comprehensive study of salary levels and pay structures.

The Committee contracted with the University of Alabama, through its Manpower and Industrial Relations Institute in Tuscaloosa, to conduct a study of the pay levels of employees under the State Merit System. As part of this study the statements and opinions of State agency officials, employee organizations and other interested parties were solicited.

As a result of these efforts a study entitled *The Salaries of State Employees in Alabama: A Comparative Study*, prepared by Dr. Allan D. Spritzer and Dr. Brian R. Durbrow was submitted to the Committee. (A summarized copy of the study accompanies this report.) A public hearing was then conducted by the Committee where the above study and other issues related to State salary policies were discussed by the Committee and all individuals and organizations which wished to present their views and opinions.

This report is the culmination of this intensive study and analysis conducted by the Committee.

The Committee herein presents its findings, conclusions and recommendations to the Legislature for its fullest consideration.

FINDINGS AND CONCLUSIONS

1.0 The salary levels of State employees in Alabama covered by the State Merit System are generally comparable with similarly employed individuals in other southeastern states.

1.1 Starting salaries for State employees in Alabama are slightly above the southeastern average for comparable occupational classifications.

1.2 Maximum salaries for comparable occupational classifications are slightly below the southeastern average.

2.0 For a number of specific occupational classifications, however, both the starting and maximum salary levels of Alabama State employees lag behind the salaries of their counterparts in other southeastern states.

2.1 In particular, these lags appear to be most severe in the lower-skilled, lower-paying job categories.

3.0 The salary levels of State employees in Alabama are generally comparable with those states, within or outside the southeast region, that have similar populations, and similar tax revenues per capita.

3.1 Alabama salaries are slightly higher than those in states with similar levels of income per capita, but they are lower than those paid in states which have a similar ratio of tax revenues per capita as a percent of per capita income.

4.0 In comparison with other states the salary levels of State employees in Alabama show a greater deficiency at the higher step levels within each grade range than at the lower steps.

4.1 As a result, long service employees within an occupational classification tend to lag in their salary levels to a greater extent than recently employed individuals.

5.0 State employees in Alabama receive significantly lower salaries than their counterparts working in the federal sector or in private industry.

6.0 In general, the pay levels of State employees lag in comparison with those of city and county workers in Alabama employed in the same occupations.

7.0 Salary comparisons with all relevant sectors show that the occupational categories that are particularly lagging in pay levels include, but are not limited to those of laborer, the semi-skilled trades, selected clerical and service classifications, correctional and law enforcement officers.

8.0 The salary levels of top State agency executives are considerably below the average for State agency executives in the southeast region.

8.1 These disparities are largely attributable to the informal ceiling placed on executive salaries by the salary level of the Governor of Alabama which is among the lowest in the nation.

9.0 The cost-of-living in Alabama increased between the end of 1973 and the beginning of 1975 by approximately 18 percent while the salaries of State employees increased by slightly less than 15 percent.

10.0 Anticipated 1975 salary increases for State employees in the southeast region are expected to range between zero and 9 percent with an average of approximately 5 percent.

11.0 In a number of instances there are inadequate salary differentials between supervisory positions and the non-supervisory positions over which supervision is exercised.

12.0 Serious salary level inequities exist within the schedule of salary ranges and step levels contained in the Pay Plan for Alabama Merit System employees.

12.1 The use of step level increases as a method for general salary adjustments results therefore in unjustifiable differences in salary increases among the various occupational grade and step levels.

RECOMMENDATIONS

1.0 A general pay increase of 5 percent should be granted to all State employees for each year in the forthcoming biennium.

2.0 Additional upward adjustments in pay levels should be provided for those specific occupational classifications which, after careful review and analysis, are shown to be seriously below the average pay levels of comparable occupations found in other states in the southeast region.

3.0 Increases in salary ranges or step levels within salary ranges should not be used for general pay increases due to the inequities in percentage increases existing between the ranges and steps under the current pay plan.

4.0 Following careful review and analysis of all relevant job classifications, special adjustments should be provided to assure proper differentials in the pay levels between supervisory and non-supervisory positions.

4.1 As a general rule, supervisors should be reclassified into salary ranges which would compensate them at a level at least seven-to-ten percent higher than the individuals under their supervision.

5.0 Special attention should be given to upgrading the salary levels of the cabinet members and top executives of the major State departments and agencies.

5.1 Salary increases of up to ten percent for each of the years of the forthcoming biennium should be granted where justified by comparisons with the duties and responsibilities of similar officials in other southeastern states.

6.0 The salary of the Governor of the State of Alabama should be increased by at least thirty percent over the two years of the forthcoming biennium.

7.0 A careful revision should be undertaken of the schedule of salary ranges and step increases contained in the Pay Plan covering Merit System employees in the State.

7.1 This revision should (a) reduce the number of salary ranges from its present total of 62, (b) contain equal percentage differentials

between salary levels at each step, (c) contain additional steps within each salary range so that more competitive rates can be paid to long service employees.

8.0 A comprehensive study should be undertaken to examine and review all job classifications and job descriptions within the scope of the State Merit System.

8.1 Such a study should be conducted with a view toward (a) consolidation and reduction in the number of job classifications and (b) elimination of salary inequities based upon different job titles where job content may be virtually identical.

9.0 Further studies should also be conducted to examine the distribution of employees within job categories, with respect to their ages, length of service, salary levels, and promotion potential.

9.1 Such studies will facilitate planning for the retirement of current employees and the upgrading of existing personnel.

10.0 Investigation should additionally be made into the salaries and personnel policies related to long service temporary and hourly workers employed by the State and to various categories of individuals employed by the State who are not covered by the Merit System and who, therefore, do not receive the full benefits received by other State employees.

LEGISLATIVE SALARIES

A comparison of the eleven states in the southeastern region reveals that the salary level received by the Alabama legislature is considerably below the southeastern average. The subcommittee to study the pay structure of Alabama legislators as compared with others in this region has found that Alabama annual legislative salaries as compared with others is \$1,800 less than the average. It was found that per diem rates for Alabama legislators is about the same as the average for the other eleven states.

We have also found that there seems to be some controversy of whether or not the Alabama legislature can raise its per diem by resolution. We have been unable to find any bill which allows the Alabama legislature to do this and we further recommend that the legislature take immediate action in this area to allow future per diem increases by a statute.

It is our recommendation that the annual salary for the legislature be increased to the average for the southeastern regions.

RESPECTFULLY SUBMITTED:

Joint Interim Committee on the Pay Scale and Salary Structure of State officials, Employees, Cabinet Members and Legislators.

Senator Joe Fine, Chairman

Senator John Baker

Senator Ronnie Flipppo

Representative A. L. "Tony" Harrison,
Vice-Chairman

Representative Robert M. Hill

Representative Nat Sonnier

June 5, 1975

The report was ordered filed.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Sparks and Drake:

H. J. R. 89. TO DESIGNATE A PORTION OF U. S. 278 IN CULLMAN COUNTY AS THE AVE MARIA GROTTO BOULEVARD.

WHEREAS The Ave Maria Grotto brings much revenue to Cullman County; and

WHEREAS A sign is needed on I-65 to alert motorists to the approaching exit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That U. S. 278 from the intersection of I-65 and U.S. 278 to the East Point Intersection shall be designated as the Ave Maria Grotto Boulevard; and the highway department shall cause appropriate exit signs to be erected on I-65, and appropriate street markers to be erected on the aforesaid named portion of U. S. 278.

RESOLVED FURTHER That a copy of this resolution be sent to Father Aloysius Plaisance and Father Lambert at St. Bernard College.

The resolution, H. J. R. 89, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Venable:

H. J. R. 90. NAMING THE NEW BRIDGE CROSSING THE SOFKAHATCHEE CREEK ON U. S. 231 IN ELMORE COUNTY THE "ERNEST S. COLLIER BRIDGE."

WHEREAS there is to be a new bridge spanning the Sofkahatchee Creek on U. S. 231 in Elmore County which will replace the "Swayback Bridge"; and

WHEREAS Ernest Sims Collier, former State Representative from Elmore County, was a man of integrity and dignity who contributed much to his state and to his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That the new bridge on U. S. 231 in Elmore County which will cross the Sofkahatchee Creek is hereby designated the "Ernest S. Collier Bridge" and the State Highway Department shall cause appropriate signs and markers to be erected.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the members of his family.

The resolution, H. J. R. 90, was read and referred to the Standing Committee on Rules.

RESOLUTIONS

The following resolutions introduced on the sixth legislative day were read by title pursuant to Joint Rule 11:

S. J. R. 16. MOURNING THE DEATH OF CAPTAIN WILLIE B. PAINTER.

S. J. R. 18. COMMENDING THE FORT DALE ACADEMY GIRLS BASKETBALL TEAM FOR AN OUTSTANDING SEASON.

S. J. R. 5. COMMENDING THE WBAM "ALL AMERICAN" BASKETBALL TEAM UPON RAISING FUNDS FOR CIVIC PROJECTS THROUGHOUT THE STATE OF ALABAMA.

S. J. R. 6. CONGRATULATING THE EMMA SANSOM HIGH SCHOOL REBEL MARCHING BAND FOR WINNING FIRST PLACE IN THE SHENANDOAH APPLE BLOSSOM FESTIVAL.

S. J. R. 10. COMMENDING THE PHENIX CITY JAYCEES AND JAYCETTES.

S. J. R. 17. COMMENDING FRANK G. TURNER ON HIS RETIREMENT.

S. J. R. 27. MOURNING THE DEATH OF COACH PETE LEE.

S. J. R. 31. CONGRATULATING SENATOR SAM L. ADAMS ON THE BIRTH OF HIS SON, FORREST LAMAR ADAMS, II.

On motion of Mr. Crowe, the resolutions were adopted en masse.

BILLS ON THIRD READING

And the bill:

H. 107. To provide for an increase in the compensation of the bailiffs of the circuit court of the 26th judicial circuit.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McNees, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White and Williams.

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Nay: Mr. Porter.

—1

And the bill:

H. 231. Relating to expense allowances of county officials in Tuscaloosa County.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper,

7th Day

Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—84

And the bill:

H. 241. Relating to expense allowances of county officials in Tuscaloosa County.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—86

And the bill:

H. 344. Relating to Autauga County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in certain jails of the county, and providing for a rehabilitation board to supervise and administer the rehabilitation process of this Act; to provide further for the carrying out of the provisions of this Act; and to provide penalties for violation of this Act.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith

(B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—82

And the bill:

H. 528. To alter, rearrange and extend the boundary lines and corporate limits of the city of Ozark in Dale County.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—89

And the bill:

H. 594. To alter, re-arrange and extend the boundaries of the Town of Kinsey, in Houston County, Alabama.

Was taken up.

H. 594 POSTPONED

On motion of Mr. Crawford, the bill, H. 594, was postponed to the eighth legislative day.

And the bill:

H. 597. To provide for additional compensation and method of payment of the Clerk of the Court of Marion County, Alabama, In Law.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Cates, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Reed, Rich, Rid-

dick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 14. Creating a select joint committee to study the rising cost to the State of the Medicare and Medicaid Programs.

Also:

S. J. R. 15. Expressing thanks to Clement C. Sawtell for the presentation to the State of the Flag of the C. S. S. ALABAMA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED

And the bill:

H. 598. To make an appropriation from the Marion County treasury for the relief of Ray Howell.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Quarles, Reed, Rich, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—83

And the bill:

H. 599. To make an appropriation from the Marion County treasury for the relief of Ronnie Cook.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—85

And the bill:

H. 653. Further relating to commercial fishing in public waters in all counties having populations of not less than 18,500 nor more than 20,500; to authorize and provide for a commercial fisherman's helper for certain such fishermen; to provide for the issuance of permits for such helpers; to prescribe the fees for such permits; to provide for their collection and distribution; and to prescribe penalties for violations of this act.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—84

And the bill:

H. 188. (With Substitute): Relating to the unincorporated community of Arrowhead in Montgomery County; providing that whenever the owner of an unoccupied lot fails or refuses to mow the grass and weeds thereon and/or collect debris therefrom any person in the community can have it done and send the lot owner the bill for the reasonable cost of such services, which shall become a lien upon the real property.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 4, said committee substitute being as follows:

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A BILL
TO BE ENTITLED
AN ACT

Relating to the unincorporated community of Arrowhead in Montgomery County; providing that whenever the owner of a vacant platted lot contiguous to a dwelling fails or refuses to mow the grass and weeds thereon and/or collect debris therefrom after ten days written notice or by notice posted on said vacant platted lot by any adjacent householder or county engineer upon demand thereafter by such householder the county engineer shall have it done and send the lot owner the bill for the reasonable cost of such services, which shall become a lien upon the real property; and provided adjoining householder who enters premises in pursuant to this act shall not be a trespasser.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever the owner of a vacant platted lot contiguous to a dwelling house in the unincorporated community of Arrowhead in Montgomery County shall fail or refuse to mow the grass and weeds thereon or collect the debris therefrom after ten days written notice or notice posted on said vacant platted lot by any adjacent householder or county engineer, upon demand of such adjacent householder the county engineer shall have it done and send a bill for the reasonable cost of such service to the owner of said lot and said cost shall become and be deemed a lien upon the property until paid. A notice of such lien may be filed in the lis pendens records in the probate office of Montgomery County, Alabama.

Section 2. For the purposes of this act, weeds or grass nine (9) inches or more in height shall be deemed to be uncut.

Section 3. Any householder adjoining said vacant platted lot who goes upon said lot for the purpose of cutting grass, weeds or removing debris shall not be a trespasser.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 82; Nays 2.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Lee, LeFlore, Leonard, Lewis, Lutz, McCulley, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—82

Nays: Messrs. Barron and Harris.

—2

And the bill:

H. 188. Relating to the unincorporated community of Arrowhead in Montgomery County; providing that whenever the owner of a vacant

platted lot contiguous to a dwelling fails or refuses to mow the grass and weeds thereon and/or collect debris therefrom after ten days written notice or by notice posted on said vacant platted lot by any adjacent householder or county engineer upon demand thereafter by such householder the county engineer shall have it done and send the lot owner the bill for the reasonable cost of such services, which shall become a lien upon the real property; and provided adjoining householder who enters premises in pursuant to this act shall not be a trespasser.

As thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 2.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Lee, LeFlore, Leonard, Lewis, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Plaster, Porter, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—77

Nays: Messrs. Barron and Harris.

—2

And the bill:

H. 186. (With Amendments): Relating to Montgomery County: To authorize and establish the office of warrant magistrate; to provide for the appointment of three warrant magistrates; to provide for the qualifications of persons holding such offices, duties of said offices and the compensation and method of payment of same; to repeal conflicting laws.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. B. 186 by deleting Section 2 in its entirety and substitute in lieu thereof the following:

Section 2. Appointment; Tenure of Office. The members of the entire Montgomery County delegation—Senators and Representatives, with a majority vote, acting jointly, shall appoint three warrant magistrates for any such area of said county.

And the amendment was adopted.

Yeas 80; Nays 1.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Burgess, Callahan, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson

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(F), Johnson, Johnstone, Jolly, Kelley, Killian, Lee, LeFlore, Leonard, Lewis, Lutz, McCulley, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Plaster, Porter, Quarles, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—80

Nay: Mr. Barron.

—1

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. B. 186 by deleting Section 4b in its entirety and substitute in lieu thereof the following:

b. To solemnize marriages and to collect the fee prescribed therefor by law.

And the amendment was adopted.

Yeas 77; Nays 1.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holley, Holmes, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Plaster, Porter, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—77

Nay: Mr. Barron.

—1

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. B. 186 by adding the following words at the end of Section 4, Paragraph d, Line 8: and shall be subject to the supervision of the presiding judge of the 15th Judicial Circuit or his designate.

And the amendment was adopted.

Yeas 75; Nays 1.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holley, Holmes, Hopping, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton,

Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—75

Nay: Mr. Barron.

—1

The question was then on the adoption of the amendment No. 4 reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. B. 186 by deleting all words on line 16, page 2 after the word by and substitute the following words: the Warrant Magistrate after appointment.

And the amendment was adopted.

Yeas 76; Nays 1.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Leflore, Lewis, Lutz, McCluskey, McCulley, McNees, Malone, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—76

Nay: Mr. Barron.

—1

The question was then on the adoption of the amendment No. 5 reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. B. 186 by striking therefrom all of Section 4c and renumbering Section 4d as 4c.

And the amendment was adopted.

Yeas 71; Nays 2.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Lee, Leflore, Lewis, Lutz, McCluskey, McCulley, McNees, Malone, Martin, Merrill, Mitchem, Naramore, Owens, Plaster, Porter, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks and Williams.

—71

Nays: Messrs. Barron and Wyatt.

—2

And the bill, H. 186 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 71; Nays 2.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, LeFlore, Lewis, Lutz, McCulley, McNees, Malone, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Plaster, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

—71

Nays: Messrs. Barron and Harris.

—2

MOTION TO TEMPORARILY CARRY OVER

Mr. Smith (B) offered the motion that the bills, H. 127, 201, 55, 126, 67, 226, 228, 18, 19 and 59, and the Notice in Writing by Mr. Manley be temporarily carried over.

MOTION TO RECESS LOST

The motion offered by Mr. Tucker that the House recess until 2:30 o'clock p. m., was lost.

MOTION TO TABLE LOST

The motion offered by Mr. Reed to table the motion offered by Mr. Smith (B) to temporarily carry over certain House Bills and the Notice in Writing offered by Mr. Manley was lost.

Yeas 14; Nays 69.

Yeas:

Messrs.: Cooper, Harrison, Hilliard, Holmes, Howard, Jackson (R), Kennedy, LeFlore, Lewis, McNair, Porter, Quarles, Reed and Tucker.

—14

Nays:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Dial, Drake, Falkenburg, Ford, Gafford, Glass, Greer, Gregg, Hall, Hines, Holley, Hopping, Jackson (F), Johnson, Jolly, Kelley, Killian, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, White and Williams.

—69

BILLS AND NOTICE IN WRITING TEMPORARILY CARRIED OVER

The question was then on the adoption of the motion offered by Mr. Smith (B) that the bills, H. 127, 201, 55, 126, 67, 226, 228, 18, 19 and 59, and the Notice in Writing by Mr. Manley be temporarily carried over, and the motion was adopted.

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Yeas 71; Nays 20.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Cates, Clark, Crawford, Cross, Dial, Drake, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes, Hopping, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, Lockett, Lutz, McCluskey, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—71

Nays:

Mr. Speaker, Coburn, Cooper, Crowe, Harrison, Higginbotham, Hill, Hilliard, Howard, Jackson (R), Kennedy, LeFlore, Leonard, Lewis, McNair, Porter, Quarles, Reed, Riddick and Smith (J).

—20

MOTION TO ADJOURN LOST

The motion offered by Mr. Tucker that the House adjourn until 10:30 o'clock a.m., Tuesday, June 17, 1975, was lost.

Yeas 14; Nays 82.

Yeas:

Messrs.: Cooper, Harrison, Hilliard, Holmes, Howard, Jackson (R), Kennedy, LeFlore, Lewis, McNair, Porter, Quarles, Reed and Tucker.

—14

Nays:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Hopping, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—82

MOTION TO ADJOURN LOST

The motion offered by Mrs. Quarles that the House adjourn until 2:30 o'clock p.m., Tuesday, June 17, 1975, was lost.

MOTION TO ADJOURN LOST

The motion offered by Mr. Tucker that the House adjourn until 10:31 o'clock a.m., Tuesday, June 17, 1975, was lost.

Yeas 13; Nays 78.

Yeas:

Messrs.: Cooper, Harrison, Hilliard, Holmes, Howard, Jackson (R), Kennedy, LeFlore, Lewis, McNair, Porter, Quarles and Reed.

—13

7th Day

Nays:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Cross, Dial, Edwards, Falkenburg, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

MOTION TO SUSPEND RULES TABLED

On motion of Mr. Crowe, the motion offered by Mr. Holmes to suspend the rules in order to bring up out of order the bill, H. 453, was tabled.

Yeas 76; Nays 17.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Gafford, Goodwin, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Hopping, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White and Williams.

—76

Nays:

Messrs.: Cooper, Ford, Harrison, Hill, Hilliard, Holmes, Howard, Jackson (R), Kennedy, LeFlore, Lewis, McNair, Quarles, Reed, Smith (C), Whatley and Wyatt.

—17

MOTION TO SUSPEND RULES TABLED

On motion of Mr. Crowe, the motion offered by Mr. Tucker to suspend the rules in order to bring up out of order the bill, H. 455, was tabled.

Yeas 77; Nays 12.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Hopping, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

Nays:

Messrs.: Cooper, Harrison, Higginbotham, Hilliard, Howard, Jackson (R), Kennedy, LeFlore, Lewis, McNair, Quarles and Tucker.

—12

RESOLUTION

The following resolution was introduced:

By Mr. Moore (O):

H. J. R. 91. CONGRATULATING MRS. LLOYD L. MEHAFFEY ON BEING NAMED VOLUNTEER OF THE YEAR BY THE LADIES AUXILIARY TO ALABAMA GOODWILL INDUSTRIES.

WHEREAS Mrs. Lloyd L. Mehaffey has been named Volunteer of the Year by the Ladies Auxiliary to Alabama Goodwill Industries in recognition of her dedicated service to Goodwill Industries; and

WHEREAS Mrs. Mehaffey has given 510 hours to planning and helping carry out the Auxiliary's projects to help the handicapped clients served by Goodwill; and

WHEREAS Mrs. L. L. Mehaffey has been a member of the Ladies Auxiliary for eight years and is the immediate past president; and

WHEREAS Mrs. Mehaffey, a dedicated worker, also does volunteer work for the Retired Senior Volunteer Program; and

WHEREAS Mrs. Mehaffey has been active in the Vincent Community. She is the incoming Worthy Matron of the Order of Eastern Star, and a member of the Vincent Study Club and the First Methodist Church of Vincent; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Mrs. Lloyd L. Mehaffey on being chosen Volunteer of the Year.

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Mehaffey.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 91, on the Clerk's desk for one legislative day.

BILLS ON THIRD READING RESUMED

And the bill:

H. 212. (With Amendments): To provide for a sentence of death or life imprisonment without parole in certain aggravated offenses; to prescribe the manner of charging and sentencing in such cases and to eliminate lesser included offenses in such cases; to limit the maximum punishment in all other cases to life imprisonment; to provide for an effective date of this act.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 212, Section 2, by deleting in their entirety sub-sections (a), (b), (c), (d), (h), (i) and (j) where said sub-sections appear therein and inserting in lieu therefor the following sub-sections (a), (b), (c), (d), (h), (i) and (j) to read as follows:

"(a) Kidnapping for ransom or attempts thereof, when the victim is intentionally killed by the defendant."

"(b) Robbery or attempts thereof when the victim is intentionally killed by the defendant."

"(c) Rape when the victim is intentionally killed by the defendant; carnal knowledge of a girl under 12 years of age, or abuse of such girl in an attempt to have carnal knowledge, when the victim is intentionally killed by the defendant."

"(d) Nighttime burglary of an occupied dwelling when any of the occupants is intentionally killed by the defendant."

"(h) Indecent molestation, or an attempt to indecently molest a child under the age of 16 years, when the child victim is intentionally killed by the defendant."

"(i) Wilful setting off or exploding dynamite or other explosive under circumstances now punishable by Title 14, Section 123 or 124, Code of Alabama 1940, when a person is intentionally killed by the defendant because of said explosion."

"(j) Murder in the first degree wherein two or more human beings are intentionally killed by the defendant by one or a series of acts."

Mr. Hill offered the following substitute to the amendment No. 1 reported by the Standing Committee on Judiciary to the bill, H. 212:

Amend House Bill 212, Section 2, by deleting in their entirety sub-sections (a), (b), (c), (d), (h), (i) and (j) where said sub-sections appear therein and inserting in lieu therefor the following sub-sections (a), (b), (c), (d), (h), (i) and (j) to read as follows:

"(a) Kidnapping for ransom or attempts thereof, when the victim is intentionally and with premeditation killed by the defendant."

"(b) Robbery or attempts thereof when the victim is intentionally and with premeditation killed by the defendant."

"(c) Rape when the victim is intentionally and with premeditation killed by the defendant; carnal knowledge of a girl under 12 years of age, or abuse of such girl in an attempt to have carnal knowledge, when the victim is intentionally and with premeditation killed by the defendant."

"(d) Nighttime burglary of an occupied dwelling when any of the occupants is intentionally and with premeditation killed by the defendant."

"(h) Indecent molestation, or an attempt to indecently molest a child under the age of 16 years, when the child victim is intentionally and with premeditation killed by the defendant."

"(i) Wilful setting off or exploding dynamite or other explosive under circumstances now punishable by Title 14, Section 123 or 124, Code of Alabama 1940, when a person is intentionally and with premeditation killed by the defendant because of said explosion."

"(j) Murder in the first degree wherein two or more human beings are intentionally and with premeditation killed by the defendant by one or a series of acts."

SUBSTITUTE AMENDMENT TABLED

On motion of Mr. Morris, the substitute offered by Mr. Hill to the amendment No. 1 reported by the Standing Committee on Judiciary was tabled.

Yeas 68; Nays 18.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Edwards, Gafford, Glass, Gregg, Harris, Harrison, Higginbotham, Hilliard, Holley, Jackson (F), Jackson (R), Johnson, Jolly, Killian, Kinsey, Lee, Lutz, McCulley, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (M), Sonnier, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—68

Nays:

Messrs.: Burgess, Coburn, Cooper, Goodwin, Hall, Hill, Holmes, Howard, Johnstone, Kennedy, LeFlore, Leonard, Lewis, McNair, Quarles, Riddick, Smith (B) and Smith (J).

—18

MOTION TO ADJOURN LOST

The motion offered by Mr. Jackson (R) that the House adjourn until 10:00 o'clock a. m., Tuesday, June 17, 1975, was lost.

MOTION TO ADJOURN LOST

The motion offered by Mr. Weeks, that the House adjourn until 1:00 o'clock p. m., Tuesday, June 17, 1975, was lost.

AMENDMENT ADOPTED

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Judiciary to the bill, H. 212, and the amendment was adopted.

Yeas 74; Nays 10.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Edwards, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Howard, Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lutz, McCulley, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—74

Nays:

Messrs.: Harrison, Hilliard, Jackson (R), Kennedy, LeFlore, Lewis, McNair, Riddick, Smith (J) and Tucker.

—10

AMENDMENT OFFERED

Mr. Holmes offered the following amendment to the bill, H. 212 as amended:

To amend Section 4 line 9

At any time that it is shown that any provisions of this bill has been administered discriminatory by the United States Supreme all provisions of this bill shall be declared null and void

AMENDMENT TABLED

On motion of Mr. Morris, the amendment offered by Mr. Holmes to the bill, H. 212 as amended, was tabled.

Yeas 67; Nays 13.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Holley, Jackson (F), Johnson, Jolly, Killian, Kinsey, Lee, Lutz, McCluskey, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White and Williams.

—67

Nays:

Messrs.: Coburn, Goodwin, Harrison, Higginbotham, Holmes, Howard, Jackson (R), Kennedy, LeFlore, Lewis, McNair, Quarles and Tucker.

—13

AMENDMENT OFFERED

Mr. Cooper offered the following amendment to the bill, H. 212 as amended:

Amend House Bill No. 212 Page 5, Line 11, by inserting the following new section after Section 7:

Section 8. Each person indicted for an offense punishable under the provision of this act who is not able to afford legal counsel must be provided with court appointed counsel having no less than five years prior experience in the active practice of criminal law.

Also by renumbering original sections 8 and 9 as section 9 and 10 respectively.

And the amendment was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper,

Crawford, Cross, Crowe, Dial, Edwards, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Holley, Holmes, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCulley, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—85

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 212, Section 2, sub-section (m) by deleting the words "unlawful homicide, except manslaughter in the second degree," where said words appear therein and substituting in lieu thereof the word "murder".

Mr. Hill offered the following substitute to the amendment No. 2 reported by the Standing Committee on Judiciary:

Amend House Bill 212, Section 2, sub-section (m) by deleting the words "unlawful homicide, except manslaughter in the second degree," where said words appear therein and substituting in lieu thereof the word "murder in the first degree".

SUBSTITUTE AMENDMENT TABLED

On motion of Mr. Morris the substitute offered by Mr. Hill to the amendment No. 2 reported by the Standing Committee on Judiciary was tabled.

Yeas 63; Nays 19.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Crowe, Gafford, Glass, Gregg, Harris, Higginbotham, Holley, Hopping, Jackson (F), Jackson (R), Johnson, Jolly, Killian, Lee, Lutz, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (M), Sonnier, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—63

Nays:

Messrs.: Armstrong, Coburn, Cooper, Goodwin, Hall, Hill, Hilliard, Holmes, Howard, Johnstone, Kennedy, LeFlore, Leonard, Lewis, McCluskey, McNair, Riddick, Smith (B) and Smith (J).

AMENDMENT ADOPTED

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Judiciary to the bill, H. 212 as amended, and the amendment was adopted.

Yeas 76; Nays 10.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Coburn,

7th Day

Cooper, Crawford, Cross, Crowe, Dial, Edwards, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holley, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lutz, McCulley, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—76

Nays:

Messrs.: Harrison, Higginbotham, Hilliard, Jackson (R), Kennedy, Leonard, Lewis, McCluskey, Riddick and Tucker.

—10

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 212, Section 2, sub-section (f) by striking out the words "unlawful intentional homicide" where said words appear therein and inserting in lieu therefor the word "murder".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 6.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Holley, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—79

Nays:

Messrs.: Higginbotham, Hilliard, Howard, Jackson (R), Kennedy and Lewis.

—6

The question was then on the adoption of the amendment No. 4 reported by the Standing Committee on Judiciary, said Committee amendment being as follows:

Amend House Bill 212, Section 2 of said bill, by adding a new paragraph to said section immediately following sub-section (n) to read as follows:

"Evidence of intent under this section shall not be supplied by the felony-murder doctrine."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 7.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holley, Holmes, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

Nays:

Messrs.: Hilliard, Howard, Jackson (R), Kennedy, Lewis, McNair and Smith (J).

—7

The question was then on the adoption of the amendment No. 5 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 212, Section 2, sub-section (n) of said bill by adding the word "Murder" in front of the word "When" and changing the capitol "W" to lower case "w" in the word "When" where same appears therein at the beginning of sub-section (n).

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 8.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holley, Holmes, Hopping, Jackson (F), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—74

Nays:

Messrs.: Harrison, Hilliard, Howard, Jackson (R), Kennedy, Lewis, McNair and Tucker.

—8

The question was then on the adoption of the amendment No. 6 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 212, Section 2, sub-section (e) by striking out the words "unlawful intentional homicide" where said words appear therein and inserting in lieu therefore the word "murder".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 7.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holley, Holmes, Hopping, Jackson (F), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White and Wyatt.

—74

Nays:

Messrs.: Harrison, Howard, Jackson (R), Kennedy, Lewis, McNair and Tucker.

—7

AMENDMENT OFFERED

Mr. Hilliard offered the following amendment No. 1 to the bill, H. 212 as amended:

Amend Section 3 by striking Section 3 and renumbering Section 4 to Section 3; Section 5 to Section 4; Section 6 to Section 5; Section 7 to Section 6; Section 8 to Section 7; and Section 9 to Section 8.

AMENDMENT TABLED

On motion of Mr. Morris, the amendment No. 1 offered by Mr. Hilliard to the bill, H. 212 as amended, was tabled.

Yeas 68; Nays 18.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Burgess, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Dial, Drake, Edwards, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Hill, Holley, Hopping, Jackson (F), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White and Wyatt.

—68

Nays:

Messrs.: Brindley, Cooper, Greer, Harrison, Higginbotham, Hilliard, Holmes, Howard, Jackson (R), Kennedy, LeFlore, Leonard, Lewis, McNair, Morris, Riddick, Robertson and Whatley.

—18

AMENDMENT OFFERED

Mr. Hilliard offered the following amendment No. 2 to the bill, H. 212 as amended:

Amend Section 4 by striking Section 4 and renumbering Section 5 to Section 5; Section 6 to Section 5; Section 7 to Section 6; Section 8 to Section 7; and Section 9 to Section 8.

AMENDMENT TABLED

On motion of Mr. Morris, the amendment No. 2 offered by Mr. Hilliard to the bill, H. 212 as amended, was tabled.

Yeas 68; Nays 11.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Drake, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Hopping, Jackson (F), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Lutz, McCluskey, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White and Williams.

—68

Nays:

Messrs.: Cooper, Harrison, Higginbotham, Holmes, Howard, Kennedy, LeFlore, Lewis, McNair, Riddick and Whatley.

—11

AMENDMENT OFFERED

Mr. Holley offered the following amendment to the bill, H. 212 as amended:

To amend H. B. 212 to provide for a Board of Review consisting of 6 Circuit Judges or lawyers which reflects the racial composition of the State of Alabama. Review should be made annually to determine if provisions of this act are administered in a fair and equal manner. This Board of Review shall be appointed by the Chief Justice of the Supreme Court and if the conclusion of a majority of this Board determines that the act is being administered unfairly to any group or groups then this bill shall be null and void. Report shall be given to the Chief Justice of the Supreme Court of Alabama in January of each year. Conclusions of this report shall be made public by the Chief Justice.

AMENDMENT TABLED

On motion of Mr. Morris, the amendment offered by Mr. Holley to the bill, H. 212 as amended, was tabled.

Yeas 60; Nays 20.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Cates, Clark, Crawford, Cross, Drake, Gafford, Glass, Greer, Gregg, Harris, Harrison, Hilliard, Hines, Hopping, Jackson (F), Johnson, Kelley, Killian, Kinsey, Lee, Lutz,

McCluskey, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White and Williams.

—60

Nays:

Messrs.: Coburn, Cooper, Goodwin, Hall, Higginbotham, Hill, Holley, Holmes, Howard, Johnstone, Kennedy, LeFlore, Lewis, McNair, Robertson, Sonnier, Taylor, Tucker, Whatley and Wyatt.

—20

AMENDMENT OFFERED

Mr. Hilliard offered the following amendment No. 3 to the bill, H. 212 as amended:

Amend Section 8 by striking Section 8 and renumbering Section 9 to Section 8.

AMENDMENT TABLED

On motion of Mr. Morris, the amendment No. 3 offered by Mr. Hilliard to the bill, H. 212 as amended, was tabled.

Yeas 65; Nays 10.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Drake, Ford, Gafford, Greer, Gregg, Hall, Harris, Hines, Holley, Hopping, Jackson (F), Johnson, Kelley, Killian, Kinsey, Lee, Lutz, McCluskey, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—65

Nays:

Messrs.: Cooper, Higginbotham, Howard, Johnstone, Kennedy, LeFlore, Leonard, Lewis, McNair and Whatley.

—10

MOTION TO ADJOURN LOST

The motion offered by Mr. Tucker that the House adjourn until 1:15 o'clock p.m., Tuesday, June 17, 1975, was lost.

AMENDMENT OFFERED

Mr. Cooper offered the following amendment No. 2 to the bill, H. 212 as amended:

To amend H. B. 212 to provide for a Board of Review consisting of 7 Circuit Judges or lawyers which reflects the racial composition of the State of Alabama. Review should be made annually to determine if provisions of this act are administered in a fair and equal manner. This Board of Review shall be appointed by the Chief Justice of the Supreme Court and if the conclusion of a majority of this Board determines that the act is being administered unfairly to any group or groups then a report shall be given to the Chief Justice of the Supreme

Court of Alabama in January of each year with recommendations for action. Conclusions of this report shall be made public by the Chief Justice.

These persons will serve without compensation.

AMENDMENT TABLED

On motion of Mr. Burgess, the amendment No. 2 offered by Mr. Cooper to the bill, H. 212 as amended, was tabled.

Yeas 55; Nays 28.

Yeas:

Mr. Speaker, Andrews, Armstrong, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carter, Cates, Clark, Crawford, Cross, Dial, Drake, Falkenburg, Ford, Gafford, Greer, Gregg, Hall, Harris, Hopping, Jackson (F), Jolly, Killian, Lee, Leonard, Lockett, McCluskey, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Smith (C), Smith (M), Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, White and Wyatt.

—55

Nays:

Messrs.: Carothers, Coburn, Cooper, Edwards, Glass, Goodwin, Harrison, Higginbotham, Hill, Hilliard, Holley, Holmes, Howard, Jackson (R), Johnstone, Kelley, Kennedy, LeFlore, Lewis, Lutz, McCulley, McNair, Malone, Smith (B), Smith (J), Sonnier, Taylor and Williams.

—28

MOTION TO ADJOURN LOST

The motion offered by Mrs. Quarles that the House adjourn until 1:30 o'clock p. m., Tuesday, June 17, 1975, was lost.

Yeas 17; Nays 74.

Yeas:

Messrs.: Cooper, Harrison, Higginbotham, Hilliard, Holmes, Howard, Jackson (R), Kennedy, LeFlore, Lewis, McNair, Manley, Merrill, Quarles, Reed, Smith (J) and Tucker.

—17

Nays:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Hopping, Jackson (F), Kelley, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—74

AMENDMENT OFFERED

Mr. Hilliard offered the following amendment No. 4 to the bill, H. 212 as amended:

7th Day

Amend Section 2. subsection (n) to Read:

(n) When perpetrated against any witness subpoenaed to testify at any preliminary hearing, trial or grand jury proceeding against the defendant who kills or procures the killing of witness, or when perpetrated against any human being while intending to kill such witness.

AMENDMENT TABLED

On motion of Mr. Morris, the amendment No. 4 offered by Mr. Hilliard to the bill, H. 212 as amended, was tabled.

Yeas 74; Nays 12.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Drake, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Hopping, Jackson (F), Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McNeas, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—74

Nays:

Messrs.: Cooper, Harrison, Higginbotham, Hilliard, Holmes, Howard, Jackson (R), Kennedy, LeFlore, Lewis, McNair and Tucker.

—12

AMENDMENT OFFERED

Mr. Hilliard offered the following amendment No. 5 to the bill, H. 212 as amended:

To amend H. B. 212 by adding after Section 7 on page 5, line 11, a new Section 8 with subsequent sections appropriately renumbered. The new section shall read as follows:

Section 8. The sentence of death shall be carried out publicly in the county in which the defendant was convicted.

AMENDMENT TABLED

On motion of Mr. Morris, the amendment No. 5 offered by Mr. Hilliard to the bill, H. 212 as amended, was tabled.

Yeas 66; Nays 19.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Drake, Ford, Glass, Goodwin, Gregg, Hall, Holley, Hopping, Jackson (F), Jolly, Kelley, Killian, Kinsey, Lee, Lockett, Lutz, McCluskey, McCulley, McNeas, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—66

Nays:

Messrs.: Carothers, Cooper, Greer, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes, Howard, Jackson (R), Johnstone, Leonard, Lewis, McNair, Smith (B), Smith (J), Tucker and Whatley.

—19

AMENDMENT OFFERED

Mr. Kennedy offered the following amendment No. 1 to the bill, H. 212 as amended:

Amend House Bill No. 212, Page 1, Line 30 by inserting the following new sentence after the sentence ending with the word "offenses":

Any provision of law to the contrary notwithstanding, all indictments for offenses punishable by death shall be brought by the attorney general of the State of Alabama

AMENDMENT TABLED

On motion of Mr. Morris, the amendment No. 1 offered by Mr. Kennedy to the bill, H. 212 as amended was tabled.

Yeas 67; Nays 17.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Falkenburg, Ford, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holley, Hopping, Jackson (F), Jolly, Kelley, Killian, Kinsey, Lee, Lockett, McCluskey, McCulley, McNees, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—67

Nays:

Messrs.: Albright, Cooper, Harrison, Higginbotham, Hilliard, Holmes, Howard, Jackson (R), Johnstone, Kennedy, LeFlore, Leonard, Lewis, Lutz, McNair, Smith (J) and Whatley.

—17

AMENDMENT OFFERED

Mr. Kennedy offered the following amendment No. 2 to the bill, H. 212 as amended:

Amend H. B. 212 section 2, sub-section (F) by deleting in its entirety where said sub-section appears and inserting in lieu thereof the following:

"Murder in the first degree committed while the defendant is under a sentence of life imprisonment for murder"

AMENDMENT TABLED

On motion of Mr. Morris, the amendment No. 2 offered by Mr. Kennedy to the bill, H. 212 as amended, was tabled.

Yeas 59; Nays 23.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Craw-

7th Day

ford, Cross, Gafford, Goodwin, Gregg, Hall, Holley, Hopping, Jackson (F), Jolly, Killian, Kinsey, Lee, Lockett, Lutz, McCulley, McNees, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Waggoner, Warren, Weeks, White and Wyatt.

—59

Nays:

Messrs.: Coburn, Cooper, Ford, Harrison, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (R), Johnstone, Kelley, Kennedy, LeFlore, Leonard, McCluskey, McNair, Riddick, Smith (B), Smith (J), Tucker, Whatley and Williams.

—23

AMENDMENT OFFERED

Mr. Jackson (R) offered the following amendment to the bill, H. 212 as amended:

Amend H. B. 212 and renumber accordingly by adding the following paragraph:

Each member of the Alabama Legislature must be present and view personally each execution undertaken pursuant to this Act. Failure of any legislator to abide by this action, save for personal serious illness or serious illness of an immediate member of his family, shall suffer automatic divestment of office and shall forever be disqualified from holding public office in the State of Alabama.

AMENDMENT TABLED

On motion of Mr. Morris, the amendment offered by Mr. Jackson (R) to the bill, H. 212 as amended, was tabled.

Yeas 72; Nays 13.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Edwards, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Jackson (F), Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—72

Nays:

Messrs.: Coburn, Cooper, Harrison, Hilliard, Howard, Jackson (R), Kennedy, LeFlore, Leonard, McNair, Martin, Smith (J) and Tucker.

—13

MOTION TO ADJOURN LOST

The motion offered by Mr. Tucker that the House adjourn until 1:35 o'clock p. m., Tuesday, June 17, 1975.

Yeas 13; Nays 76.

Yeas:

Messrs.: Coburn, Cooper, Harrison, Hilliard, Howard, Jackson (R), Johnstone, Kennedy, Lewis, McNair, Quarles, Reed and Tucker.

—13

Nays:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Dial, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Hopping, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lockett, Lutz, McCluskey, McCulley, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—76

AMENDMENT OFFERED

Mr. LeFlore offered the following amendment to the bill, H. 212 as amended:

Add to Section 3 the following clause:

Said bill shall not apply to any person nineteen years of age or under.

AMENDMENT TABLED

On motion of Mr. Morris, the amendment offered by Mr. LeFlore to the bill, H. 212 as amended, was tabled.

Yeas 66; Nays 11.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hines, Holley, Hopping, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, McCluskey, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—66

Nays:

Messrs.: Harrison, Higginbotham, Hilliard, Howard, Kennedy, LeFlore, Lewis, Lutz, McNair, Tucker and Whatley.

—11

AMENDMENT OFFERED

Mr. Howard offered the following amendment to the bill, H. 212 as amended:

Amend House Bill No. 212 by inserting on page one, line 19, after the word act, the following:

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; and further provide for public executions where the sentence of death is pronounced.

Add on page 5, after line ten the following, viz:

Where the sentence of death is pronounced the manner shall be by electrocution as set out in Act No. 759, S. 511 Regular Session 1953 (Acts, 1953, V. II, p. 1021), approved September 9, 1953, as last amended, in a prominent public place in the city wherein the offense initiating the sentence occurred. The manner of the implementation of public executions shall be left to the discretion of the board of corrections of Alabama.

AMENDMENT TABLED

On motion of Mr. Morris, the amendment offered by Mr. Howard to the bill, H. 212 as amended, was tabled.

Yeas 63; Nays 9.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Ford, Glass, Goodwin, Greer, Hall, Harris, Holley, Hopping, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, Lockett, Lutz, McCulley, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—63

Nays:

Messrs. Higginbotham, Hilliard, Holmes, Howard, Kennedy, Lewis, McNair, Reed and Robertson.

—9

MOTION TO INDEFINITELY POSTPONE TABLED

On motion of Mr. Morris, the motion offered by Mr. Harrison that the bill, H. 212 as amended, be indefinitely postponed was tabled.

Yeas 69; Nays 12.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holley, Hopping, Jackson (F), Johnson, Jolly, Killian, Kinsey, Lockett, Lutz, McCulley, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—69

Nays:

Messrs.: Cooper, Higginbotham, Hilliard, Holmes, Howard, Kelley, Kennedy, LeFlore, Leonard, Lewis, McNair and McNees.

—12

AMENDMENT OFFERED

Mr. Harrison offered the following amendment to the bill, H. 212 as amended:

Amend House Bill No. 212, Page 3, Line 18-31, by striking out Section 3 entirely

AMENDMENT TABLED

On motion of Mr. Sonnier, the amendment offered by Mr. Harrison to the bill, H. 212 as amended, was tabled.

Yeas 68; Nays 17.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Drake, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Holley, Hopping, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, Lockett, Lutz, McCluskey, McCulley, Malone, Manley, Martin, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—68

Nays:

Messrs.: Cooper, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes, Howard, Jackson (R), Kennedy, LeFlore, Leonard, Lewis, McNair, Smith (J), Tucker and Whatley.

—17

And the bill, H. 212 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 20.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lutz, McCluskey, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—75

Nays:

Messrs.: Cooper, Harrison, Higginbotham, Hill, Hilliard, Holmes, Howard, Jackson (R), Kennedy, LeFlore, Leonard, Lewis, McNair, McNees, Porter, Quarles, Reed, Riddick, Tucker and Whatley.

—20

VOTE OF DISSENT REGISTERED

Permission was granted to have the Journal show a vote of dissent registered by Mr. Tucker on H. 212.

MOTION TO ADJOURN LOST

The motion offered by Mr. Turnham that the House adjourn until 2:30 o'clock p.m., Tuesday, June 17, 1975, was lost.

BILLS ON THIRD READING RESUMED
BILLS TEMPORARILY POSTPONED

On motion of Mr. Holley, the bills, H. 61, 139, 142, 150, 225 and 14 were temporarily postponed.

Yeas 58; Nays 24.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Barron, Biddle, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Hall, Harris, Holley, Holmes, Hopping, Johnson, Jolly, Kinsey, Lee, Lewis, McCulley, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Plaster, Quarles, Riddick, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—58

Nays:

Messrs.: Brindley, Cross, Dial, Greer, Gregg, Harrison, Hill, Hilliard, Howard, Johnstone, Kelley, Kennedy, Leonard, Lockett, Lutz, McCluskey, McNees, Pegues, Roberts, Smith (B), Smith (C), Taylor, Teague and Turnham.

—24

READING AT LENGTH OF BILLS ON SECOND READINGS

At the request of Mr. Hilliard, the reading at length of Bills on Second Readings commenced.

MOTION TO ADJOURN LOST

The motion offered by Mr. Greer that the House adjourn until 1:00 o'clock p.m., Tuesday, June 17, 1975, was lost.

Yeas 42; Nays 48.

Yeas:

Messrs.: Campbell, Cates, Coburn, Cooper, Drake, Edwards, Ford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hilliard, Hines, Holmes, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McNair, McNees, Mitchem, Owens, Pegues, Porter, Riddick, Sasser, Smith (J), Smith (M), Taylor, Tucker and Weeks.

—42

Nays:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Carothers, Carter, Clark, Cross, Falkenburg, Folmar, Gafford, Glass, Hill, Holley, Howard, Johnson, Kennedy, Killian, McCluskey, McCulley, Malone, Manley, Martin, Moore (O), Moore (W), Naramore, Plaster, Rich, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White and Wyatt.

—48

READING AT LENGTH DISPENSED WITH

On motion of Mr. Callahan, the reading at length of Bills on Second Readings was dispensed with.

Yeas 84; Nays 3.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Hopping, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White and Wyatt.

—84

Nays: Messrs. Hilliard, Howard and McNair.

—3

BILLS ON THIRD READING RESUMED

And the bill:

H. 240. To require state officials and certain state employees to file financial disclosure statements; to prescribe the procedure for filing such statements; to allow inspection of such financial statement in certain circumstances; and to prescribe the duties of the Clerk of the House and the Secretary of the Senate under the provisions of this act; to repeal the state ethics law viz. Act No. 1056, S. 1, Regular Session 1973 [Acts 1973, p. 1699, now appearing in Code of Alabama 1940, Recompiled 1958, Title 55, Sections 327 (8) - 327 (39)].

Was taken up.

Mr. Manley offered the following substitute to the bill:

A BILL
TO BE ENTITLED
AN ACT

To require state officials and certain state employees to file financial disclosure statements; to prescribe the procedure for filing such statements; to allow inspection of such financial statement; and to prescribe the duties of the Clerk of the House, the Secretary of the Senate and the Secretary of State under the provisions of this Act; to repeal the state ethics law, viz. Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, p. 1699, now appearing in Code of Alabama 1940, Recompiled 1958, Title 55, Section 327 (S) - 327 (39)).

Be It Enacted by the Legislature of Alabama:

Section 1. No person elected, appointed, or employed to serve as a state official or state employee who receives compensation of \$12,000.00 or more per year shall be allowed to take the oath of office or enter upon his duties unless he has previously filed a financial disclosure statement in accordance with the provisions of this Act. Such statement shall be made on a form prepared and provided by the Clerk of the House of Representatives, the Secretary of the Senate or the Secretary of State. Each person so employed, appointed or

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elected shall file initially immediately upon their employment, appointment or election and on January 1st of each succeeding year. Further, every candidate for any state office shall be required to file disclosure with the Secretary of State upon qualifying for election to any State office.

Section 2. Members of the House of Representatives shall file said financial disclosure statement with the Clerk of the House of Representatives; members of the Senate shall file said financial disclosure statement with the Secretary of the Senate; and all other officials and employees required to file under Section 1 of this Act shall file the required financial disclosure statement with the Secretary of State.

Section 3. Any person desiring to inspect a financial disclosure statement filed under this Act shall make his request known by completing a form to be supplied by the Clerk of the House, the Secretary of the Senate or Secretary of State. Any persons applying to review a disclosure form will submit his name, home address, home telephone number, business identification of the applicant, business address, business telephone and some personal identification to assure the respective custodians of the disclosure forms that the applicant is properly identified. The Clerk of the House, Secretary of the Senate and Secretary of State shall jointly develop said application and all use the same form.

Section 4. It shall be the duty of the Clerk of the House of Representatives, the Secretary of the Senate and the Secretary of State:

(a) To prescribe forms for statements required to be filed by this Act, and to furnish such forms to persons required to file such statements, and such statements shall require no less than the amount of information that was required on the form filed by State Officials and State Employees on April 30, 1975, with the Alabama Ethics Commission.

(b) To accept, file, and preserve the statements filed in their respective offices under the provisions of this Act;

(c) To make available to any applicant upon proper identification at no cost to the applicant the disclosure form for examination.

(d) To notify the Attorney General upon the failure to file the disclosure required by this Act by any official, employee or candidate who has not filed within twenty (20) days of their election, appointment, employment, or qualification as a candidate. The Attorney General shall take immediate steps to enjoin the assumption of the elected or appointed office or the position of employment until proper compliance with this law.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. The state ethics law, viz. Act No. 1056 S. 1, Regular Session 1973 (Acts 1973, p. 1699, now appearing in Code of Alabama 1940, Recompiled 1958, Title 55, Sections 327 (8) - 327 (39) and all other laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

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MOTION TO POSTPONE

Mr. Greer offered the motion that the bill, H. 240 with pending substitute, be postponed to the eighth legislative day.

SUBSTITUTE MOTION OFFERED

Mr. McNair offered the substitute motion that the bill, H. 240 with pending amendment, be postponed to the ninth legislative day.

MOTION TO TABLE

Mr. Manley offered the motion that the substitute motion offered by Mr. McNair be tabled.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Bill hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:35 P. M. on June 12, 1975.

H. 174.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Mr. Crowe, the House adjourned until 2:00 o'clock p. m., Tuesday, June 17, 1975.

Yeas 49; Nays 47.

Yeas:

Mr. Speaker, Baker, Callahan, Campbell, Carter, Coburn, Cooper, Crowe, Drake, Edwards, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes, Hopping, Johnstone, Jolly, Kelley, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McNair, McNees, Manley, Mitchem, Moore (W), Naramore, Owens, Pegues, Porter, Riddick, Robertson, Sandusky, Smith (M), Sparks, Taylor, Teague, Tucker, Warren and Weeks.

—49

Nays:

Messrs.: Albright, Andrews, Armstrong, Barron, Biddle, Brindley, Burgess, Carothers, Cates, Clark, Crawford, Cross, Dial, Falkenburg, Folmar, Gafford, Glass, Hill, Holley, Howard, Jackson (R), Johnson, Killian, Kinsey, McCluskey, Malone, Martin, Moore (O), Morris, Plaster, Quarles, Rich, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

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8th Day

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EIGHTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, June 17, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend L. P. Dennis, Former Pastor, Marbury Church of God, Marbury, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventh legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the seventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventh legislative day was approved.

BILLS ON SECOND READING

Mr. Kinsey, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 383. To provide that all contracts of insurance or policies of insurance or plans or agreements for health services issued or delivered in this State shall cover and include the services of Chiropractors.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 717. Relating to counties having a population of not less than 15,400 and not more than 15,625, according to the last federal decennial census; to provide that the county commission or other like governing body shall provide without charge therefor, appropriate office space in the county courthouse for any member of the state legislature representing any portion of such counties.

H. 780. To amend Section 3.06 of Act No. 404, S. 430, 1953 Regular Session (Acts of 1953, p. 472), as amended, entitled "An Act To permit any city in the State of Alabama having a population of more than thirty thousand and not exceeding thirty-three thousand according to the last or any succeeding federal census to adopt the council-manager form of municipal government, to provide for the calling and holding of elections to vote thereon, to provide for the election and term of the first council, to define the legal status, form of government and powers of the city, to provide for subsequent elections of members of the council, their number and their terms of office, to provide for the qualification, powers and authority of the council, the mayor and the city clerk, and for the election of the mayor and city clerk, to provide for the appointment and removal and to define the powers of the city manager, to provide for an annual budget, its preparation, submission, adoption and effect, to create and define the powers and duties of a department of finance and of the director thereof, to regulate purchases and contracts of the city, and to define their powers and authority, to set up the terms and effects of succession in government of any city adopting the council-manager form of government, to provide for the establishment and re-establishment of wards, to make various other provisions for such form of government of any such city, and to provide for the means of abandoning the council-manager form of government," so as to provide that candidates for the post of council member may also run for the designated post of mayor, with the candidate receiving the greatest number of votes being automatically designated mayor for a four-year term.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 210. To amend further Act No. 172, H. 187, 1st Special Session 1964, as further amended which Act related to Judicial Circuits composed of one county and having not less than six nor more than nine Circuit Judges, by increasing the salary range for the Administrative Assistant to the District Attorney and the two Legal Stenographers and the addition of a Legal Stenographer in such counties.

H. 211. Relating to Judicial Circuits composed of one county and having not less than six or more than nine Circuit Judges; to provide for the appointment in said Circuits of one Grand Jury Bailiff; to prescribe his duties, to fix his term of employment and to prescribe his compensation and provide for the payment of his compensation out of the General Fund of the County.

H. 229. To provide that in every county having a population of not less than 300,000 nor more than 500,000 inhabitants according to the

last or any succeeding census, the county governing body of the county is authorized to pay a monthly pension to any public law librarian upon retirement, and the chief circuit judge of the judicial circuit comprising such county is authorized to pay an additional monthly pension from any law library fund to such law librarian upon such retirement; and to prescribe the terms and conditions of such retirement and such pensions.

H. 355. To amend further section 1 of Act No. 192 H 262 First Special Session 1964 (Acts 1964, P. 256) an Act providing an annual allowance for purchasing uniforms for deputy sheriffs in counties having populations of not less than 300,000 nor more than 500,000 so as to regulate further the amount of such allowance.

H. 360. To further regulate the fees and allowances in criminal cases of sheriffs in all counties having populations of not less than 300,000 nor more than 500,000 inhabitants according to the most recent or any subsequent Federal decennial census.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 363. (With Amendment): Relating to counties having a population of not less than 300,000, nor more than 500,000 inhabitants according to the most recent federal decennial census, to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners, to provide that the provisions of this Act shall be effective upon passage.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 364. To authorize the Sheriff of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint an administrative assistant, to provide for the appointment for such administrative assistant, the term of office of such administrative assistant, to provide for the salary of such administrative assistant, and the method of payment of such salary.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 365. (With Amendment): To regulate further the fees of sheriffs in all counties of this State having populations of not less than 300,000 and not more than 500,000 according to the most recent federal decennial census.

H. 366. (With Amendment): To authorize the Sheriff of any county having a population of not more than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint a secretary, to provide for the appointment of such secretary, the term of office of such secretary, to provide for the salary of such secretary, and the method of payment of such secretary.

H. 377. (With Amendment): To provide retirement benefits for elected officials in any municipality in the State of Alabama having a population, according to the most recent Federal census, between 175,000 and 225,000 persons, and to provide for the payment of such benefits.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 378. To fix the compensation or salary of the Clerk of the Circuit Court in all counties of Alabama having a population of not less than 300,000 nor more than 500,000, according to the last or any subsequent Federal decennial census, and to provide for the payment thereof.

H. 380. To provide an expense allowance for the incumbent Circuit Court Clerk in all counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent Federal decennial census, said expense allowance to commence October 1st, 1975 and to expire at the end of the present term of office of the incumbent Circuit Court Clerk in such counties, and said expense allowance to be payable monthly in the sum of \$200.00 out of the general funds of the respective counties.

H. 570. To amend further Section 1 of Act No. 440, S. 186, Special Session 1966 (Acts 1966, p. 597) relating to the sheriff's department and counties having populations of not less than 300,000 nor more than 500,000.

H. 571. Pursuant to provisions of Section 155, Article VI of the Constitution of Alabama as amended (Section 6.16 of Amendment CCCXXVIII, proclaimed December 27, 1973), this bill creates and provides for supernumerary-retired probate judges in counties having a population of 300,000 and over, according to the last or any subsequent federal census, similar to and equal with provisions of law for circuit judges in such counties, and provides for continuation of service; creates and establishes the probate judges retirement fund in such counties for the purpose of providing for the payment of retirement and disability benefits for such judicial officers; prescribing the qualifications, term, duties, powers, authority, compensation and benefits of any such county supernumerary-retired probate judge of such counties; providing for payment of contributions into such fund by any eligible probate judge and for payments out of the county general fund or from fees and commissions collected by the probate court and paid into the county general fund. It provides for carrying out the provisions of this Act, and regulates the administration and supervision thereof.

H. 574. To amend Act No. 2441, of the 1971 Legislature (Acts 1971, page 3903), entitled "An Act To provide that the governing body of any municipality having a population of not less than 175,000 nor more than 300,000 according to the most recent federal decennial census, may appoint the chief of police of such municipality in event of a vacancy, from the number of officers of the police force who hold the rank of captain or above, without regard to any civil service or personnel board rules or regulations concerning such appointment and providing that such governing body may fix the compensation of said chief of police, and his status in any civil service system in such municipality.

H. 589. To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census

8th Day

to visit each legislative house district for the purpose of accepting forms for the reidentification of voters and for the purpose of accepting applications for the registration of voters; to provide for the designation of places to be visited; to provide further for the compensation and mileage of members of the board.

H. 782. Relating to Mobile County: To amend further Section 1 of an Act approved June 28, 1940 (Act No. 594, H. 1044, Local Acts of Alabama, 1939, p. 355), placing the Sheriff of Mobile County, Alabama, on a salary basis.

H. 783. To further amend Section 2 of an Act of the Legislature of Alabama being Local Act No. 102 approved June 3, 1975, page 59 of the Local Acts of 1943 as amended by an Act of the Legislature of Alabama being Local Act No. 784 approved September 8, 1961, page 1136 of the Local Acts of 1961, entitled: "To authorize the Sheriff of Mobile County, Alabama, to select and appoint an attorney to advise and counsel him on the operation of such office and to handle all legal matters pertaining to said office; to provide for the manner of the appointment of such attorney, the term of office of such attorney; to provide for the salary of such attorney and the method of payment of such salary."

H. 786. To provide that the employees of any city having a population of not less than 175,000 nor more than 275,000 according to the most recent federal decennial census, may by election designate a bargaining agent to represent them in respect to the wages the city employing them shall pay them and in respect to other conditions of employment; to provide for calling and conducting elections to certify a bargaining agent and elections to decertify a bargaining agent; to authorize the director of labor of the State of Alabama to establish rules and regulations governing the call of, notice of, and conduct of such elections; to provide for collective bargaining proceedings to be instituted by the bargaining agent or the officer or body empowered to establish wages for the employees; to provide for compulsory arbitration; to provide for the appointment of arbitrators and define their jurisdiction and authority; to provide that the arbitrators' decisions shall be binding upon all parties; to provide for the enforcement of such decisions by the circuit court; to provide that it shall be unlawful for an employee to strike or engage in any work stoppage or slowdown; and that it shall be unlawful for any bargaining agent, or any officer or body empowered to establish wages for employees to fail to bargain in good faith, in accordance with this act, or to fail to carry out any decision rendered by the arbitrators; to provide penalties for any person violating this act; and to repeal all laws or parts of laws, whether general, special or local, in conflict with this act.

H. 785. To provide that the employees of any county having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal decennial census, any city in any such county, except a city having a population of more than 175,000 according to this same census, any municipal utility board, any other municipal agency, and any municipal public or quasi-public corporation, and any other governmental entity within such county, may by election designate a bargaining agent to represent them in respect to the wages the governmental entity employing them shall pay them and in respect to other conditions of employment; to provide for calling and conducting elections to certify a bargaining agent and elections to decertify a bargaining agent; to authorize the director of labor of the State of Alabama to establish rules and regulations governing the call of, notice of, and conduct of such elections; to provide for collective bargaining proceedings to be instituted by the bargaining agent or the officer or body em-

powered to establish wages for the employees; to provide for compulsory arbitration; to provide for the appointment of arbitrators and define their jurisdiction and authority; to provide that the arbitrators' decisions shall be binding upon all parties; to provide for the enforcement of such decisions by the circuit court; to provide that it shall be unlawful for an employee to strike or engage in any work stoppage or slowdown; and that it shall be unlawful for any bargaining agent, or any officer or body empowered to establish wages for employees to fail to bargain in good faith, in accordance with this act, or to fail to carry out any decision rendered by the arbitrators; to provide penalties for any person violating this act; and to repeal all laws or parts of laws, whether general, special or local, in conflict with this act.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 755. To amend further Section 4 of Act No. 1292, H. 1795, Regular Session 1971 (Acts of 1971, p. 2220), which act creates the office of commissioner of licenses in counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census, so as to provide for the appointment of a deputy commissioner of licenses in such counties.

H. 756. Relating to counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census, providing for the salaries of the deputy circuit clerk, the deputy tax assessor, the deputy tax collector, and the deputy license commissioner of such counties.

H. 765. To authorize the county commissions of all counties having populations of not less than 17,000 nor more than 20,000 to provide for the relief of Dan Powell to pay for dentist bills incurred due to a broken tooth received while working for the county.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Andrews, Falkenburg, Armstrong, Hall, Boles, Jolly, Hilliard, White, Trammell, Hopping, Biddle, Leonard, Moore (O), Harrison, Howard, Albright, Baker, Barron, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCorquodale, McCluskey, McCulley, McMillan, McNair, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt:

H. J. R. 92. MOURNING THE DEATH OF HOWARD ELLINGTON.

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Howard Ellington; and

8th Day

WHEREAS, Howard Ellington exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowmen. He gained the respect and affection of all who knew him, whether friend or mere acquaintance; and

WHEREAS Howard Ellington was past president of the Montgomery Exchange Club, President of the Montgomery Chapter of Sons of the American Revolution, Past President of the Montgomery Symphony Orchestra, and a devoted member of the First Baptist Church of Montgomery; and

WHEREAS his youthful outlook, vivacity and warm personality served as an inspiration to all with whom he came in contact; and

WHEREAS this legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Howard Ellington and express our deep and sincere sympathy to his widow, Rubye T. Ellington, who is our associate and friend of long-standing, and to other members of his family.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to his widow and each of his two sons.

On motion of Mr. Andrews, the rules were suspended and the resolution, H. J. R. 92, was adopted.

Also:

By Mr. Wyatt:

H. J. R. 93. HONORING MR. BEN STARR ON THE DEDICATION OF THE SOUTHERN DIXIE YOUTH LEAGUE BASEBALL FIELD BEHIND SETH JOHNSON SCHOOL ON NARROW LANE ROAD IN MONTGOMERY, ALABAMA, AS THE "BEN STARR ATHLETIC FIELD".

WHEREAS Mr. Ben Starr spent 27 years in the Army and Air Force serving his country and received many military honors; and

WHEREAS he retired in 1961 and immediately went to work with the civil service system at Maxwell Air Force Base in the athletic facility; and

WHEREAS he helped to organize the United Methodist Church in Montgomery and has been active in youth work at the church and has been an assistant Sunday School superintendent; and

WHEREAS Mr. Starr has worked with young men in Montgomery for many years and has been a devoted community builder who served his people and their youth with great love and dedication, and has shown unselfish interest and concern particularly for the youth in the south Montgomery area where his youthful outlook, true concern and warm personality has served as an inspiration to all with whom he comes in contact; and

WHEREAS all who know Ben Starr know where his son, Bart, got some of the qualities that made him a national football hero for the University of Alabama and the Green Bay Packers; and

WHEREAS the Southern Dixie Youth Baseball League wishes to dedicate the baseball and athletic field on the Seth Johnson School property on Narrow Lane Road in Montgomery, Alabama, as the "Ben Starr Athletic Field" which dedication will be held on June 21, 1975; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they wish to heartily congratulate Mr. Ben Starr on this occasion and thank him for his outstanding services to his fellowman and to the youth of Montgomery, Alabama; and

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to the Southern Dixie Youth Baseball League with the request that it be read and presented to Mr. Starr on the occasion of the dedication of the Ben Starr Athletic Field.

On motion of Mr. Wyatt, the rules were suspended and the resolution, H. J. R. 93, was adopted.

Also:

By Messrs. Cates and Wyatt:

H. R. 94. COMMENDING CHIEF WARRANT OFFICER DOW SPORT for THIRTY-THREE years faithful military service to the State of Alabama and the United States

WHEREAS, CWO Dow Sport has served his state and nation for more than thirty-three years in a military status; and

WHEREAS, CWO Dow Sport is a combat veteran of World War II and was awarded a battlefield commission during that war; and

WHEREAS, CWO Dow Sport has been an active member of the Alabama National Guard since 1960; and

WHEREAS, CWO Dow Sport has been awarded the Alabama Commendation Medal for that period of service; and

WHEREAS, CWO Dow Sport has, concurrent with his military service, been an active member of his community and a good citizen; and

WHEREAS, CWO Dow Sport has been honored by his neighbors and comrades in arms by naming the Brantley National Guard Armory, "Fort Dow Sport"; now therefore

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES that Chief Warrant Officer Dow Sport is hereby recognized and commended for his faithful service and high contributions to his Community, State and Country.

BE IT FURTHER RESOLVED that one copy of this resolution be framed and delivered to Fort Dow Sport, Brantley, Alabama to be displayed in a suitable place and that one copy be sent to CWO Dow Sport at his place of residence.

On motion of Mr. Cates, the rules were suspended and the resolution, H. R. 94, was adopted.

Also:

By Mr. Cates:

H. R. 95. CONGRATULATING EUGENE R. HUDSON for being named most outstanding funeral director in Alabama

WHEREAS, Eugene R. Hudson has been named most outstanding funeral director in Alabama by the Alabama Funeral Directors and Morticians Association; and

WHEREAS, Eugene R. Hudson is the owner and operator of Hudson Funeral Service in Greenville, Alabama; and

WHEREAS, Eugene R. Hudson is a graduate of Alabama State University and Atlanta College of Mortuary Science; and

WHEREAS, Eugene R. Hudson has been awarded an honorary certificate in Mortuary Science by Daniel Payne College; and

WHEREAS, Eugene R. Hudson presently serves as Chairman of the Board of the Alabama Funeral Directors and Morticians Association; and

WHEREAS, Eugene R. Hudson is active in civic and community affairs in Greenville and Butler County being affiliated with numerous organizations and giving liberally of his time and talents to these endeavors; and

WHEREAS, Eugene R. Hudson is active in his church being Chairman of the Board of Trustees of the First Missionary Baptist Church, and is Director of both junior and senior choirs in that church; now therefore

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES that Eugene R. Hudson is hereby most heartily congratulated for being selected for this high honor by his professional associates; and

BE IT FURTHER RESOLVED that Eugene R. Hudson is recognized and commended for his outstanding contributions to the civic, religious and community life of Greenville and Butler County, Alabama; and

RESOLVED FURTHER that copies of this resolution be sent to Eugene R. Hudson at his place of residence in Greenville, Alabama.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 95, on the Clerk's desk for one legislative day.

REPORT FILED

Pursuant to House Joint Resolution 208, Act No. 1237, Regular Session of the 1973 Legislature, the report of the Interim Committee on Environmental Land and Water Management was submitted and ordered filed.

RESOLUTIONS

The following resolutions were introduced:

By Mr. McCluskey:

H. J. R. 96. MOURNING THE DEATH OF MRS. HELEN ROBBS WALLIS.

WHEREAS Mrs. Helen Robbs Wallis, beloved citizen of Sylacauga, passed away on June 3, 1975; and

WHEREAS her youthful outlook, vivacity and warm personality endeared her to all who knew her; and

WHEREAS Mrs. Wallis was a devoted wife and mother; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mrs. Helen Robbs Wallis and express our deep and sincere sympathy to her husband, Mr. Elliott Wallis, her son Donald Wallis, her daughter Mrs. Patricia Crosswy and the rest of her family to whom copies of this resolution shall be sent.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 96, on the Clerk's desk for one legislative day.

Also:

By Messrs. Shelton, Albright, Andrews, Armstrong, Baker, Biddle, Burgess, Callahan, Campbell, Carothers, Carter, Cooper, Cross, Crowe, Dial, Drake, Falkenburg, Ford, Gafford, Goodwin, Greer, Hall, Harrison, Hilliard, Hines, Holley, Holmes, Hopping, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lewis, Lutz, McCluskey, McCorquodale, McCulley, McNair, McNees, Martin, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Waggoner, Weeks, White and Wyatt:

H. J. R. 97. COMMENDING THE VOTERS OF THE STATE FOR APPROVING THE ANNUAL SESSIONS AMENDMENT.

WHEREAS on June 10, 1975 the voters of this state went to the polls and voted to approve the annual sessions amendment; and

WHEREAS this action shows that the voters of Alabama are behind their legislature and want it to be a truly separate but equal body as intended by the founding fathers; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Alabama voters for approving the annual sessions amendment, and that we ask all of the members of the legislature to double their efforts toward strengthening the legislative body and working for the betterment of the state and the enrichment of its citizens.

On motion of Mr. Shelton, the rules were suspended and the resolution, H. J. R. 97, was adopted.

Also:

By Mr. Kinsey:

H. J. R. 98. COMMENDING DOUGLAS O. BENTON.

WHEREAS Douglas O. Benton has, since 1971, conscientiously and capably served as Director of the State of Alabama Bureau of Publicity and Information; and

WHEREAS in his official capacity to plan and conduct the various programs of the State of Alabama to attract tourists, Douglas O. Benton has been successful to the extent that tourism has become the largest single industry within the State of Alabama; and

WHEREAS Douglas O. Benton, as Alabama's Travel Director, has brought additional distinction to this state by serving two successive terms as Chairman of the 13-state Southern Travel Directors Council (STDC), and as National Chairman of the Council of Regional Travel Executives (CORTE), which is an arm of DATO, the national organization of the United States Travel Industry; and

WHEREAS Douglas O. Benton was recently selected by his fellow State Travel Directors as the State Travel Director of the Year and was presented with the prestigious Larry Flynn Award for his successful efforts in promoting Alabama as a Tourist Destination, as well as for his service to the nation's travel industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we, taking due note of the achievements and accomplishments of Douglas O. Benton on behalf of the Bureau of Publicity and the State of Alabama, do hereby commend him for the excellence of his performance, for the solid success of his achievements and for the enthusiasm, dedication and general capability he brings to the performance of his official duties.

RESOLVED FURTHER, That a copy of this resolution be sent to Douglas O. Benton.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 98, on the Clerk's desk for one legislative day.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Lutz, Manley, Hill and Kinsey:

H. 789. To authorize and regulate collection agencies, to define collection agencies, to prescribe the duties thereof, to describe the duties of the Superintendent of Banks in the connection therewith, to fix bonds for the operation thereof, and to set methods of operating in Alabama.

Judiciary.

By Messrs. McCulley and Malone:

H. 790. To make officers and employees of corporations, wherein the corporations are required by law to collect and pay taxes to the Department of Revenue and wherein the corporations are required by law to withhold taxes from the salaries of employees and pay said taxes to the Department of Revenue, personally liable for amounts required to be collected and withheld and paid which are not so collected and withheld and paid, and to provide for method of assessment and collection of the said taxes.

Judiciary.

By Messrs. McCulley and Malone:

H. 791. To amend Section 788, subsection (b), Title 51, Code of Alabama 1940, as amended, to levy an excise tax on the storage, use or other consumption in this state of any machine used in mining, quarrying, compounding, processing, and manufacturing tangible personal property for sale, purchased at retail, at the rate of one and one-half percent of the sales price of such machines.

Ways and Means.

By Messrs. McCulley and Malone:

H. 792. To provide for the personal liability of officers, directors, incorporators, and employees of any social club or society incorporated under the authority of Title 10, Chapter 7, Article 5, Code of Alabama 1940 or any non-profit corporation incorporated under authority of Title

10, Chapter 10, Code of Alabama 1940 for failure to file a corporate sales tax return or to pay the sales tax due.

Judiciary.

By Messrs. McCulley and Malone:

H. 793. To amend Section 2, as amended, Act No. 100, Second Special Session 1959, to provide that every person, firm or corporation subject to Act No. 100, Second Special Session 1959, shall pay to the Department of Revenue an amount equal to four percent of the gross proceeds of the sales of the business or the actual amount of tax collected, whichever is greater; and further to amend subsection (c) of Section 2 to levy upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property for sale or for use in mining, quarrying, compounding, processing, and manufacturing tangible personal property for sale, an amount equal to one and one-half percent of the gross proceeds of the sale of such machines or the actual amount of tax collected, whichever is greater; and further to amend subsection (d) of Section 2 to levy upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail any automotive vehicle, truck trailer, semi-trailer, or house trailer, an amount equal to one and one-half percent of the gross proceeds of sales of said automotive vehicle, truck trailer, semi-trailer or house trailer, or the amount of tax collected, whichever is greater.

Ways and Means.

By Messrs. McCulley and Malone:

H. 794. To amend further Section 32, and to repeal Section 34 of Act No. 100, H. 94, Second Extraordinary Session of 1959 [Acts 1959, p. 298—now appearing in Code of Alabama Recompiled 1958, Title 51, Section 786 (33), and Section 786 (36)], which Act is the Alabama Sales Tax Law, so as to repeal the discount allowed to merchants for the collection of such tax and to provide further for the disposition of the proceeds of such tax.

Ways and Means.

By Messrs. McCulley and Malone:

H. 795. To further amend Code of Alabama 1940, Title 51, Sections 801 and 808, as amended, relating to the use tax, so as to abolish the discount allowed to vendors and sellers for collecting such tax and to further provide for the disposition of the proceeds derived from such tax.

Ways and Means.

By Messrs. McCulley and Malone:

H. 796. To amend Section 3 of Act No. 275, H. 556, Regular Session of 1967 [Acts 1967, p. 784—now appearing in Code of Alabama Recompiled 1958, Title 51, Section 751 (9)], which act levies an additional privilege and license tax on cigarettes for mental health purposes, so as to provide further for the disposition of the proceeds from said tax.

Ways and Means.

By Messrs. McCulley and Malone:

H. 797. To amend Section 3 of Act No. 101, H. 56, Second Extraordinary Session 1959 [Acts 1959, p. 320—now appearing in Code of Alabama Recompiled 1958, Title 51, Section 751 (3)], which Act levies an additional privilege or license tax on tobacco, so as to provide further for the disposition of the proceeds from said tax.

Ways and Means.

By Messrs. McCulley and Malone:

H. 798. To amend Sections 728 and 730 and to further amend Section 741 of Title 51, Code of Alabama 1940, relating to the tobacco sales tax, so as to abolish the discount allowed to tobacco wholesalers for handling revenue stamps and provide for the disposition of the additional revenue derived therefrom.

Ways and Means.

By Mr. McCulley:

H. 799. To amend further Section 3 of Act No. 654, H. 874, Regular Session of 1965 [Acts 1965, p. 1177—now appearing in Code of Alabama Recompiled 1958, Title 51, Section 751 (6)], as amended, which act levies an additional privilege and license tax on cigarettes, so as to provide further for the disposition of the proceeds from said tax.

Ways and Means.

By Mr. McCulley:

H. 800. To amend Section 3 of Act No. 309, H. 507, Regular Session of 1967 [Acts 1967, p. 852—now appearing in Code of Alabama Recompiled 1958, Title 51, Section 751 (12)], which act levies an additional privilege and license tax on cigarettes for state park purposes, so as to provide further for the disposition of the proceeds from said tax.

Ways and Means.

By Messrs. Boles, Hall, Biddle, Andrews, Moore (O), Hilliard, Hopping, Trammell and Armstrong:

H. 801. To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579 et seq.), as heretofore amended, which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

Local Legislation No. 2.

By Messrs. Boles, Hall, Biddle, Andrews, Moore (O), Hilliard, Hopping, Trammell and Armstrong:

H. 802. To further amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959 (Ala. Acts, 1959, p. 1376), as heretofore amended, which Act established a Pension and Relief or Retirement and Relief System for firemen and policemen who are members of any Pension and Relief System heretofore or hereafter established under Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts 1951, p. 1579), as amended, which 1951 Act established a Pension System for

officers and employees of each city of the State having a population of 250,000 or more, according to the last federal census.

Local Legislation No. 2.

By Mr. Owens (With Notice and Proof):

H. 803. To amend Sections 6, 7 and 10 of Act No. 727, H. 1714, 1973 Regular Session (Acts of 1973, p. 1086) relating to Bibb County so as to provide further for the method of compensation of the probate judge and his assistants, the assistants of the circuit clerk and to change the effective date as to the probate judge and his assistants to July 1, 1975.

Local Legislation No. 1.

Notice and Proof H. 803:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF BIBB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend Sections 6, 7 and 10 of Act No. 727, H. 1714, 1973 Regular Session (Acts of 1973, p. 1086) relating to Bibb County, so as to provide further for the method of compensation of the probate judge and assistants, the circuit clerk and assistants; and to provide that the effective date shall be July 1, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 6, 7 and 10 of Act No. 727, H. 1714, 1973 Regular Session (Acts 1973, P. 1086) are hereby amended to read as follows:

"Section 6. The probate judge shall be entitled to two clerks, whose salaries shall be paid from the general fund of the county. One such clerk shall receive a monthly salary of not less than \$600.00 per month nor more than \$800.00 per month, payable directly to said clerk; and the other clerk shall receive a monthly salary of not less than \$400.00 per month nor more than \$600.00 per month, payable directly to said clerk.

"Section 7. The circuit clerk shall receive an annual clerk hire allowance of not less than \$400.00 per month nor more than \$600.00 per month, payable from the general fund of the county directly to such clerk as may be hired by the circuit clerk of Bibb County."

"Section 10. The provisions of this act relative to the salary and assistants of the Probate Judge shall become effective July 1, 1975, and the remaining provisions of this act shall become effective on the first day of the first month beginning after the ratification of an amendment to the Constitution authorizing a law regulating the compensation of certain officials of Bibb County, provided that a majority of qualified voters of Bibb County voting at the Constitutional Amendment Election voted in favor of such amendment.

"If a majority of the qualified electors of said county voting at said election voted against such amendment then this act shall have no force or effect."

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Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. The provisions of this amendatory act shall become effective July 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BIBB

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. W. Oakley, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Centreville Press, a newspaper of general circulation published in Bibb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 22, May 29, June 5, and June 12, all in the year 1975.

J. W. OAKLEY, JR.

Sworn to and subscribed before me June 12, 1975.

FRANCES N. BAKER,
Notary Public.

By Mr. Owens (With Notice and Proof):

H. 804. Relating to Bibb County; fixing the fee for issuance of a pistol permit by the sheriff and providing for the disposition and use of such fees.

Local Legislation No. 1.

Notice and Proof H. 804:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF BIBB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Bibb County; fixing the fee for issuance of a pistol permit by the sheriff and providing for the disposition and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In Bibb County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama, Title 14, Section 177, shall be five dollars, which shall be collected by the sheriff and deposited in the county general fund. All proceeds from pistol permits shall be used for such purposes and in such amounts as may be determined by the County Commission or other like governing body of Bibb County.

Section 2. This act shall become effective October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BIBB

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. W. Oakley, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Centreville Press, a newspaper of general circulation published in Bibb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 22, May 29, June 5, and June 12, all in the year 1975.

J. W. OAKLEY, JR.

Sworn to and subscribed before me June 12, 1975.

FRANCES N. BAKER,
Notary Public.

By Mr. Owens (With Notice and Proof):

H. 805. To amend Act No. 869, H. 1197, 1969 Regular Session (1969 Acts, p. 1579), which act provides for an expense allowance for the members of the board of education in Bibb County, so as to provide further for such expense allowance.

Local Legislation No. 1.

Notice and Proof H. 805:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF BIBB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 869, H. 1197, 1969 Regular Session (1969 Acts, p. 1579), which act provides for an expense allowance for the members of the board of education of Bibb County, so as to provide further for such expense allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 869, H. 1197, 1969 Regular Session (1969 Acts, p. 1579), as amended, is hereby amended further to read as follows:

"Section 1. The members of the county board of education of Bibb County shall be entitled to expenses in an amount not to exceed \$50.00 per month. Such allowance shall be in addition to all other allowances provided by law and shall be payable from the public school funds of the county at the end of each month."

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BIBB

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. W. Oakley, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Centreville Press, a newspaper of general circulation published in Bibb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 22, May 29, June 5, and June 12, all in the year 1975.

J. W. OAKLEY, JR.

Sworn to and subscribed before me June 12, 1975.

FRANCES N. BAKER,
Notary Public.

By Mr. Owens (With Notice and Proof):

H. 806. Relating to Bibb County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Local Legislation No. 1.

Notice and Proof H. 806:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF BIBB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Bibb County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Bibb County is hereby authorized and empowered to construct and maintain any road or driveway, exclusive of bridges, leading from a public road to the residence of an abutting landowner for a distance of one-fourth of a mile.

Section 2. The actual cost of opening and constructing the road or driveway shall be borne and paid by the homeowner. The county governing body is hereby authorized and empowered to require the posting of a cash bond to insure the payment of such actual cost. The county governing body, may, in its discretion, provide normal maintenance at

county expense on any road or driveway, exclusive of bridges, leading from a public road to the residence of an abutting homeowner for a distance of one-fourth of a mile.

Section 3. Should any such homeowner desire the construction, opening or maintenance of any drive extending beyond one-fourth of a mile, he must pay the actual cost thereof and the county can require a cash bond for the estimated amount of such construction. Such additional construction shall be at the option of the county governing body.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF BIBB

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. W. Oakley, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Centreville Press, a newspaper of general circulation published in Bibb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 22, May 29, June 5, and June 12, all in the year 1975.

J. W. OAKLEY, JR.

Sworn to and subscribed before me June 12, 1975.

FRANCES N. BAKER,
Notary Public.

By Mr. Owens (With Notice and Proof):

H. 807. Relating to Bibb County; providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations.

Local Legislation No. 1.

Notice and Proof H. 807:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF BIBB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Bibb County; providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations.

Be It Enacted by the Legislature of Alabama:

REGULAR SESSION
8th Day

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Section 1. One-half of all fines and forfeitures hereafter paid by persons convicted in courts of competent jurisdiction within Bibb County of violations of the rules of the road, or the laws of this State relating to or regulating traffic or the operation of motor vehicles upon the highways of this State, shall be paid into the fine and forfeiture fund of Bibb County, and the remainder shall be remitted by the property authority to the State Treasurer, who shall credit the same to the proper fund in the State Treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BIBB

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. W. Oakley, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Centreville Press, a newspaper of general circulation published in Bibb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 22, May 29, June 5, and June 12, all in the year 1975.

J. W. OAKLEY, JR.

Sworn to and subscribed before me June 12, 1975.

FRANCES N. BAKER,
Notary Public.

By Mr. Owens (With Notice and Proof):

H. 808. Relating to Bibb County; prescribing additional fees for certain services rendered by the judge of probate of Bibb County; providing for the payment of such fees into the county general fund; providing that the provisions of this act shall be effective July 1, 1975.

Local Legislation No. 1.

Notice and Proof H. 808:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF BIBB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Bibb County; prescribing additional fees for certain services rendered by the judge of probate of Bibb County; providing for the payment of such fees into the county general fund; providing that the provisions of this act shall be effective July 1, 1975.

Be It Enacted by the Legislature of Alabama:

JOURNAL OF THE HOUSE, 1975
8th Day

Section 1. In addition to the fees prescribed under the general law, the judge of probate of Bibb County shall charge and collect the additional following fees for certain services with the increased revenue to be deposited in the county general fund:

Fee for recording change of ownership of motor vehicle.....	\$.25
Issuing and recording marriage license, together with consent to the marriage, and certificate of its celebration and taking and recording bond	\$1.75
Celebrating rites of matrimony	\$.50
Issuance fee for motor vehicle license tag	\$.25
Issuance fee for drivers license application or renewal thereof	\$.25
Approving, filing and recording bond of notaries public	\$1.50

Section 2. The total recording fee for recording wills, inventories, sale-bills, reports, certificates, transcripts, returns, orders, decrees, declarations of incorporation, deeds and all other instruments, and all proceedings required by law to be recorded, and not otherwise provided for, shall be one dollar (\$1.00) for each page, plus, one dollar (\$1.00) for filing each instrument. The increased revenue from such fees shall be deposited into the county general fund.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act are supplemental. It shall be construed in pari materi with other laws prescribing fees to be charged and collected by the probate judge.

Section 5. This act shall become effective July 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BIBB

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. W. Oakley, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Centreville Press, a newspaper of general circulation published in Bibb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 22, May 29, June 5, and June 12, all in the year 1975.

J. W. OAKLEY, JR.

Sworn to and subscribed before me June 12, 1975.

FRANCES N. BAKER,
Notary Public.

By Mr. Owens (With Notice and Proof):

H. 809. To provide that the clerk of the Circuit Court of Bibb County shall be entitled to certain warrant fees in addition to any other compensation or allowances heretofore provided by law.

Local Legislation No. 1.

Notice and Proof H. 809:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF BIBB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide that the clerk of the Circuit Court of Bibb County shall be entitled to certain warrant fees in addition to any other compensation or allowances heretofore provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. The clerk of the Circuit Court of Bibb County shall be entitled to warrant fees in an amount not to exceed one dollar per warrant issued by said court in addition to any other compensation or allowances heretofore provided by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BIBB

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. W. Oakley, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Centreville Press, a newspaper of general circulation published in Bibb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 22, May 29, June 5, and June 12, all in the year 1975.

J. W. OAKLEY, JR.

Sworn to and subscribed before me June 12, 1975.

FRANCES N. BAKER,
Notary Public.

By Mr. Owens (With Notice and Proof):

H. 810. Relating to Bibb County; to require the county commission to establish a county-wide personnel and merit system under the supervision of the State Personnel Department.

Local Legislation No. 1.

Notice and Proof H. 810:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF BIBB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Bibb County; to require the county commission to establish a county-wide personnel and merit system under the supervision of the State Personnel Department.

Be It Enacted by the Legislature of Alabama:

Section 1. The Bibb County Commission is hereby authorized and directed to enter into an agreement with the State Personnel Department for the establishment of a county-wide personnel and merit system. Such personnel and merit system shall be established based upon recommendations of the State Personnel Department and any cost thereof shall be paid from any funds available in the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BIBB

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. W. Oakley, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Centreville Press, a newspaper of general circulation published in Bibb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 5-22-75, 5-29-75, 6-5-75, and 6-12-75, all in the year 1975.

J. W. OAKLEY, JR.

Sworn to and subscribed before me June 12, 1975.

FRANCES N. BAKER,
Notary Public.

By Mr. Smith (M) (With Notice and Proof):

H. 811. Relating to Randolph County; providing for a stenographic secretary for the tax assessor and tax collector.

Local Legislation No. 1.

Notice and Proof H. 811:

A BILL
TO BE ENTITLED
AN ACT

Relating to Randolph County; providing for a stenographic secretary for the tax assessor and tax collector.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor and tax collector of Randolph County shall each be entitled to hire a stenographic secretary. The salaries of said stenographic secretaries shall be set by the county governing body and shall be payable in equal monthly installments from any funds available in the county treasury.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

THE STATE OF ALABAMA
RANDOLPH COUNTY

Before me, Owen N. Shelnutt, a notary public in and for said state and county, appeared John B. Stevenson, publisher of THE ROANOKE LEADER, a newspaper published in Roanoke, Randolph County, Alabama, who, being duly sworn, deposes and says that a notice advertising A Bill to be Entitled An Act, providing for a stenographic secretary for the Tax Assessor and the Tax Collector, Randolph County, Ala., appeared in said paper in the issues of May 14, 21, 28, and June 4, 1975 and that a copy of said notice is hereto attached.

JOHN B. STEVENSON.

Sworn to and subscribed before me this, the 12 day of June, 1975.

OWEN N. SHELLNUTT,
Notary Public.

By Mr. Smith (M) (With Notice and Proof):

H. 812. To provide for the compensation of jurors in Randolph County.

Local Legislation No. 1.

Notice and Proof H. 812:

A BILL
TO BE ENTITLED
AN ACT

To provide for the compensation of jurors in Randolph County.

Be It Enacted by the Legislature of Alabama:

Section 1. All grand and petit jurors, serving in Randolph County are entitled to fifteen dollars for each day's services, ten cents for each mile traveled in going to and returning from court, and ferriage and toll, to be provided by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate, stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be receivable in payment of county taxes, and other county dues; or in lieu of such certificate the payment to which each juror is entitled shall be payable out of the county general fund.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

THE STATE OF ALABAMA
RANDOLPH COUNTY

Before me, Owen N. Shelnett, a notary public in and for said state and county, appeared John B. Stevenson, publisher of **THE ROANOKE LEADER**, a newspaper published in Roanoke, Randolph County, Alabama, who, being duly sworn, deposes and says that a notice advertising **A Bill to be Entitled An Act**, to provide for the compensation of jurors in Randolph County, Alabama, appeared in said paper in the issues of May 14, 21, 28 and June 4, 1975 and that a copy of said notice is hereto attached.

JOHN B. STEVENSON.

Sworn to and subscribed before me this, the 12 day of June, 1975.

OWEN N. SHELLNUTT,
Notary Public.

By Mr. Kinsey (With Notice and Proof):

H. 813. To provide for a personnel appeals board for Baldwin County and for all municipalities in Baldwin County; to prescribe the qualifications, terms, duties, and compensation of its members; and to provide rules relating to political activities by employees of Baldwin County and of any municipality in Baldwin County.

Local Legislation No. 1.

Notice and Proof H. -813:

STATE OF ALABAMA
COUNTY OF BALDWIN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for a personnel appeals board for Baldwin County and for all municipalities in Baldwin County; to prescribe the qualifications, terms, duties, and compensation of its members; and to provide rules relating to political activities by employees of Baldwin County and of any municipality in Baldwin County.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be established a personnel appeals board for Baldwin County and for all municipalities in Baldwin County.

Section 2. For all the purposes of this act the following words and phrases shall have the following meanings:

"Personnel appeals board" hereinafter called the board, shall mean the board created by this act.

"County" shall mean Baldwin County.

"Employee" shall mean any person regularly employed by Baldwin County or any municipality in Baldwin County in a job or position.

"County Commission" shall mean the existing county governing body of Baldwin County or any such succeeding county governing body for Baldwin County.

"Municipality" shall mean any incorporated municipality in Baldwin County.

Section 3. The board of appeals, created pursuant to this act, shall by rule specify the employees and personnel of the county and of any municipality who shall be subject to the provisions of this act and also those who are exempt from it; and such board shall see that a copy of such rule or rules is always posted in a conspicuous place at the courthouse on the county and a copy thereof kept at the office of the board for public inspection.

Section 4. No person to whom this act applies, shall be appointed or promoted to, or demoted or dismissed from any job or position with the county or with any municipality or in any way favored or discriminated against with respect to his employment because of his political or religious opinions or affiliations. No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated to secure employment, promotion, increase in pay or any other advantages in employment with the county or with any municipality for the purpose of influencing the vote or political action of any person or for any consideration. No employee of the county or of any municipality shall, directly or indirectly, pay or promise to pay any assessment for any political organization or purpose, or solicit or take any part in soliciting any such assessment, and no person shall solicit any such assessment of such employee of the county. No such employee shall be a member of any national, state, or local committee of a political party, or an officer of a partisan political club, or a candidate for nomination or election to any public office, or shall take any part in the management or affairs of any political party or in any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote. Provided, however, nothing in this act shall prohibit any person employed by the county or of any municipality from serving out the term of a party office for which he had been elected at the time this act becomes effective. Any employee of the county or of any municipality to whom this act applies who violates the provisions of this section shall forfeit his position.

Section 5. Any employee who, for any cause, has been dismissed, suspended, demoted or whose pay has been reduced, may, not less than 7 days and not more than 14 days thereafter, apply to the personnel appeals board for a hearing on the charges made against him leading to such disciplinary action, by filing a written petition, and addressed to the personnel appeals board, with the clerk of said board. Upon the filing of such a petition the chairman of the personnel appeals board shall fix a date not less than 7 nor more than 21 days thereafter for the hearing of said petition. Upon the hearing of said petition the board shall receive all evidence in support of the disciplinary action heretofore mentioned and any evidence offered by such employee against such disciplinary action or in support of his petition for leniency under the circumstances. Said board shall render a written decision covering the issue involving not later than 7 days following the conclusion of the hearing. The decision of the board may uphold the disciplinary action or the board may modify such action in any manner it deems to be just and proper, including the full reinstatement of the petitioning employee with all pay allowances from the date of the imposition of discipline.

Section 6. The personnel appeals board shall designate a clerk of said board. The person designated as the clerk may be an employee of

the county or of any municipality in some other capacity. The county commission is authorized to employ and to provide for the compensation of such additional clerks to assist the said clerk as it may deem necessary for the administration of this act.

Section 7. The personnel appeals board shall be composed of five members. One member shall be appointed by the county commission, one member shall be appointed by the mayors of the municipalities in the county, one by the presiding judge of the circuit court of the county, one by the Fraternal Order of Police of the county, and one by the Fire Chief's Association of the county. One of the members originally so appointed shall serve for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years and one for a term of six years. The original members of the board so appointed shall draw lots to determine the length of term each shall serve. Thereafter all members shall serve for terms of six years each, and until their respective successors are appointed as specified above. Any member of the board whose term shall expire shall be eligible for reappointment.

No person shall be appointed to the personnel appeals board unless he is of recognized good character and ability, and is an actual resident in and qualified elector of the county. No person shall be eligible to appointment or shall continue to be a member of a board created under this Act who holds an elective office. Vacancies on the board shall be filled for the unexpired terms in the same manner as original appointments are made. The board shall elect a chairman from among its members, who shall preside at its meetings. Three members shall constitute a quorum for the transaction of any business which may properly come before the board. Each person so appointed shall, within fifteen days after appointment, qualify by making oath that he will faithfully execute the duties of office to the best of his ability and knowledge, which oath shall be recorded as provided by law. The board shall adopt reasonable rules regulating the procedure of the board. Notice of all meetings of the board shall be given to each member by the clerk of the board.

Section 8. The personnel appeals board shall meet on the call of the chairman or upon call of three members of said board. Such meetings shall be held in the county courthouse in an office which the county commission shall provide. Each member of the personnel appeals board shall be entitled to receive ten dollars for each day actually served in transacting the business of the board. Such compensation shall be payable from such funds as the county commission prescribes.

Section 9. The personnel appeals board shall prescribe in writing such rules and policies as are necessary for the administration of this act. Such rules and policies shall specifically designate, among other things, the chain of command and to whom each employee is directly responsible.

Section 10. The personnel appeals board may at its discretion contract with the personnel board of the State of Alabama or any other organization to perform such studies of wages, job descriptions and other studies necessary for the performance of the board's duties. The cost of such studies will be paid from such funds in the county treasury as the county commission designates; and from such funds as the municipalities of the county designate; and the payment of all such costs shall be subject to approval of the county commission and of any municipality of the county.

Section 11. The personnel appeals board will review the administration of this act and prior to the first day of each regular legislative

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8th Day

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session report to the county's legislative delegation, to the county commission and to the municipalities suggesting any needed revisions of this act.

Section 12. The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this Act are repealed.

Section 14. This Act shall become effective October 1, 1975.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
BALDWIN COUNTY

Spencer Longshore III, being duly sworn, deposes and says that he is the EDITOR of THE ONLOOKER, a Weekly Newspaper published at Foley, Baldwin County, Alabama, that the notice hereto attached of Bill of personnel appeals was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication May 22, 1975

Date of 2nd publication May 29, 1975

Date of 3rd publication June 5, 1975

Date of 4th publication June 12, 1975

Subscribed and sworn before the undersigned this 12 day of June, 1975.

MARY A. DAVIS,
Notary Public, Baldwin County.

SPENCER D. LONGSHORE III,
Editor.

By Messrs. Turnham, Wyatt and Baker:

H. 814. To permit the State Board of Education, through the State Superintendent of Education, to enter into an interstate agreement known as the "Interstate Agreement on Qualification of Educational Personnel" for the purpose of establishing cooperative arrangements with other states for persons to meet teacher certification requirements.

Education.

By Messrs. Baker, McCluskey, Smith (C), Gafford, Brindley, Jolly, Greer, Teague, Whatley, Turnham, Wyatt, Holley, Dial, Manley, Hill, Shelton, Carter, Smith (M), Owens, Sasser, Merrill and Morris:

H. 815. To amend further Title 46, Sections 71 and 73, Code of Alabama 1940, relating to the state licensing board for general contractors; so as to increase the amount of the funds deposited in the state treasury to the credit of such licensing board that the board may retain, and increase application and renewal fees.

State Administration.

By Messrs. Brindley, Drake, Kelley, Mitchem, Killian, Starkey, Taylor, Ford, Weeks, Turnham, Martin, Roberts, McNees, Boles, Jolly, Gafford and Biddle:

H. 816. To name a certain building at Snead State Junior College.

State Administration.

By Messrs. Brindley and Jolly (With Notice and Proof):

H. 817. To provide for an additional expense allowance for the coroner of Blount County; to make the provisions of this Act retroactive.

Local Legislation No. 1.

Notice and Proof H. 817:

BILL TO BE
ENTITLED AN ACT

STATE OF ALABAMA
COUNTY OF BLOUNT

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for an additional expense allowance for the coroner of Blount County; to make the provisions of this Act retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner of Blount County shall receive an expense allowance of \$75 per month payable out of the county general fund which shall be in addition to any and all other salary, compensation and expense allowances provided for by law.

Section 2. The provisions of this Act shall be retroactive to January 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BLOUNT

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. Rice M. Howard, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was editor of the Southern Democrat, a newspaper of general circulation published in Blount County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 15, May 22, May 29, and June 5, all in the year 1975.

MRS. R. M. HOWARD.

Sworn to and subscribed before me June 12, 1975.

JANE HILL,
Notary Public.

By Mr. Callahan:

H. 818. To make an appropriation from the state treasury for the relief of Harry V. Schmidt.

Ways and Means.

By Messrs. Sonnier and Sandusky:

H. 819. To amend Act No. 87, S. 40, Third Special Session 1971 (now appearing in Title 52, Section 641 et seq. in the supplement to Code of Alabama 1940, recompiled 1958) which concerns regulation of certain schools and/or courses of instruction publicized, sold, offered for sale and/or administered to residents of this state.

Ways and Means.

By Messrs. Sonnier and Sandusky:

H. 820. To provide additional appropriation to the Alabama State Approving Agency in the State Department of Education in order to carry out the provisions of Act No. 87, 3rd Ex. Sess., appvd. December 22, 1971 (Now appearing in Title 52, Section 641 et seq. in the supplement to Code of Alabama 1940, recompiled 1958).

Ways and Means.

By Messrs. Crowe, Wyatt, Killian, Quarles, Cooper, Brindley, Weeks, Roberts, Kinsey, Hill, Robertson, Plaster, Smith (C), Sparks, Martin, Owens, Manley, Rich, Jackson (F), Boles, Hall, Hines, Drake, McCulley, Johnson, Whatley, Burgess, Baker and Carter:

H. 821. Relating to the State Personnel Board; to increase the number of members on said board from three to five; providing for the selection, appointment, term of office and compensation of the additional two members.

State Administration.

By Messrs. Crowe, Shelton and Biddle:

H. 822. To exempt certain persons from jury duty during any regular or special session of the legislature.

State Administration.

By Messrs. Wyatt, Plaster, Harris and Lewis:

H. 823. Relating to all counties having populations of not less than 125,000 nor more than 175,000 according to the most recent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff.

Local Legislation No. 4.

By Mr. Wyatt:

H. 824. Relating to counties having populations of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census, to provide for the payment of benefits to the employees of any such county who are totally disabled as the result of injuries received in the performance of their official duties and to the surviving dependents of employees of such counties who are killed in the performance of their official duties, and repealing all conflicting laws.

Local Legislation No. 4.

By Messrs. Wyatt and Holmes (With Notice and Proof):

H. 825. To provide for the compensation of the clerk of the circuit court, tax assessor and tax collector of Montgomery County; to provide that any fees heretofore paid to the tax assessor and tax collector for assessing and collecting city taxes be paid into the county treasury as consideration for collecting said city taxes; to provide that the fees of

the circuit clerk be paid into the county general fund and that the employees of the clerk's office be placed under the county merit system.

Local Legislation No. 4.

Notice and Proof H. 825:

STATE OF ALABAMA
COUNTY OF MONTGOMERY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for the compensation of the clerk of the circuit court, tax assessor and tax collector of Montgomery County; to provide that any fees heretofore paid to the tax assessor and tax collector for assessing and collecting city taxes be paid into the county treasury as consideration for collecting said city taxes; to provide that the fees of the circuit clerk be paid into the county general fund and that the employees of the clerk's office be placed under the county merit system.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing with their next term of office, the clerk of the circuit court, the tax assessor and the tax collector for Montgomery County shall each receive an annual salary of \$18,000. Said salary shall be paid in equal monthly installments out of the county treasury as other county officials salaries are paid. All fees heretofore paid to the clerk shall be paid into the county general fund. All employees of the clerks office shall be placed under the provisions of the county merit system.

Section 2. When the tax assessor and tax collector commence drawing the salary provided for in Section 1, all fees heretofore paid to the tax assessor and tax collector for assessing and collecting city taxes shall be paid into the county general fund.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
MONTGOMERY COUNTY

Before me, Kathleen F. Meads, a Notary Public in and for the State and County aforesaid, personally appeared Betty K. Shine who, first being duly sworn according to law, deposes and says that she is BOOK-KEEPER for The Advertiser Company, publishers of The Montgomery Advertiser and the Alabama Journal, and that the advertisement of Montgomery County Commission Montgomery, Alabama appeared in said

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publication The Montgomery Advertiser and Alabama Journal, May 18, 25, June 1, 8, 1975.

BETTY K. SHINE.

Sworn and subscribed before me this 16th day of June 1975.

KATHLEEN F. MEADS,
Notary Public, Montgomery County, Alabama.

By Messrs. Robertson, Lee and Johnson:

H. 826. Relating further to health and accident insurance policies issued within this state; to provide further for the consideration of claims by the company issuing said policies; to provide that the insurance company shall pay interest on the unpaid amount of any such claims after a certain period of time from receipt of proof of loss; to provide for other penalties; and to provide reasonable attorneys' fee when an insured is forced to resort to legal action or bear the expenses of an appeal in order to recover under the policy.

Insurance.

By Mr. Kinsey:

H. 827. Making further provisions respecting the issuance of driver's licenses; providing for development, implementation, and use of a system of colored photographic driver's license forms; providing for additional fees to be charged therefor; making appropriations from the funds so obtained; making a non-reversionary appropriation from the State General Fund; authorizing the State of Alabama to enter into service and/or lease contract(s) in order to implement this act for such period or periods, not exceeding five (5) years, as the Director of the Department of Public Safety might prescribe.

Ways and Means.

By Messrs. Crawford, Williams and Carothers:

H. 828. Relating to the eradication and control of swine diseases: to make an appropriation to the department of agriculture and industries for the two fiscal years ending September 30, 1976 and September 30, 1977, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of cholera, African swine fever and other swine diseases.

Ways and Means.

By Messrs. Warren, Folmar, Clark, Malone, Crowe and Morris:

H. 829. Relating to insurance policies issued within this state; to provide for the consideration of claims by the company issuing such policies; to provide that they shall pay interest on the unpaid amount of any such claims after a certain date; to provide for reasonable attorney's fees and a 10% penalty when an insured is forced to resort to litigation or bear the expenses of an appeal in order to recover under the policy.

Insurance.

By Messrs. Warren, Folmar, Clark, Malone, Crowe and Morris:

H. 830. To prescribe a rule of civil procedure relative to discovery of liability insurance to supercede and repeal rule 26 (b) (2) of the Alabama Rules of Civil Procedure.

Judiciary.

By Messrs. Shelton, Burgess, Merrill and Quarles:

H. 831. To name the gymnasium at DeArmanville Junior High School of Calhoun County for Hugh D. Carter.

State Administration.

By Messrs. Shelton, Burgess, Merrill and Quarles:

H. 832. To name the library at White Plains High School of Calhoun County for Mr. Eston R. Cobb.

State Administration.

By Messrs. Carothers, Crawford and Smith (J) (With Notice and Proof):

H. 833. To amend further Act No. 273, S. 292, approved August 7, 1947, (1947 Local Acts, p. 196), as amended and as last amended, which is designated "The Civil Service Act of Dothan".

Local Legislation No. 1.

Notice and Proof H. 833:

STATE OF ALABAMA
COUNTY OF HOUSTON

Notice is hereby given that a bill substantially as follows will be introduced in the present session of the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

AN ACT

To amend further Act. No. 273, S. 292 approved August 7, 1947, (1947 Local Acts, p. 196), as amended and as last amended, which is designated "The Civil Service Act of Dothan".

Be It Enacted by the Legislature of Alabama:

Section (1): Section 13, of Act No. 273, S. 292, approved August 7, 1947, (1947 Local Acts, p. 196), as amended and as last amended, which is designated "The Civil Service Act of Dothan", is hereby further amended to read as follows:

"Section 13. TESTS.

a. General. The Director shall prepare and conduct tests for the purpose of enabling him to establish Employment Registers for the various classes of positions in the Classified Service. The tests shall be prepared and conducted so as to take into consideration elements of character, reputation, education, aptitude, experience, knowledge, physical fitness and other pertinent matters. Such tests may be given in writing, orally, or in any other manner which will enable the Director to determine the fitness of the applicant for acceptance into some class of position in the Classified Service. Public notice of the time, place and general scope of every test must be given by the Director. Promotional Tests shall be conducted in like manner and embrace the same subject matter as initial tests for similar Classified Employment. Admissions to test shall be open to all persons who: (a) reasonably appear to the Director to possess the required qualifications. (b) may be lawfully appointed to a position in the class for which a list is to be established, and (c) pays the fees, if any, prescribed by the Rules. The Director may, however, reject the application of any person for admission to test, or may strike the name of any person from a list, or refuse to certify the name of a person on a list for a position, if he finds that such person: (a) lacks any of the required qualifications; (b) is physically unfit to perform any of the duties of the position in which he seeks employment; (c) is addicted

to the habitual use of drugs or intoxicating liquors; (d) has been convicted of any crime involving moral turpitude; (e) has been dismissed from public services for delinquency; (f) has made a false statement of a material fact pertaining to his qualifications and service; and (g) practiced or attempted to practice any fraud or deception in his application or Test, or in attempting to secure appointment. The names of persons employed by the City at the time this Act becomes effective shall be placed on the Employment Roster without rating, and they shall be subject to all the provisions of this Act, except a certificate from the City Commission that any employee of the City has been employed in the same line of service for a period of two years and that such employee has rendered satisfactory service to the City shall relieve such person of taking any test authorized by the provisions of this Act, to continue to hold such position provided such employee is otherwise qualified.

b. Veteran, Wife of a Veteran, and Widow of a Veteran. An honorably discharged veteran of the armed forces of the United States who has served as much as one year during any war period, upon successful passing an entrance examination for a position in the Classified Service, shall have 5 points plus an additional point for each completed year of additional service added to the earned rating achieved in an examination for entrance to the Classified Service. Any veteran who has service connected disability which entitles him to compensation from the United States, or his wife if he is not qualified for city employment, or the widow of any person who died or was killed as a result of his services in the armed forces of the United States, or the widow of an honorably discharged veteran of the United States, who served during any war period, shall be entitled to and shall receive the equivalent of ten points, which points shall be added to the passing grade achieved in an examination for entrance to the Classified Service.

**STATE OF ALABAMA
HOUSTON COUNTY**

Before me, the undersigned authority in and for said County in said State, this day, personally appeared D. H. DOLSON, who is known to me and who, being by me first duly sworn, deposes and says: That he is ADVERTISING MANAGER of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 successive weeks, on the following dates: April 21, 28, May 5, 12, 1975 in the Dothan Eagle, which said Dothan Eagle has a general circulation in the County in which it is published and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

D. H. DOLSON.

Sworn to and subscribed before me on this 16 day of May 1975.

SARAH C. BOYDE,
Notary Public.

My Commission Expires 2-8-78.

By Mr. Edwards:

H. 834. To exempt the Grand Chapter of the Order of the Eastern Star of the State of Alabama from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Mr. Folmar:

H. 835. To allow the county commissioners of all counties having populations of not less than 24,900 nor more than 25,150 inhabitants according to the most recent federal decennial census, to hire cooks and maids for the county jail to be paid out of the general funds of the county; and to make the provisions of this act retroactive.

Local Legislation No. 1.

By Mr. Kinsey:

H. 836. To restrict the powers of the ABC Board in regard to outdoor or billboard advertising of beer or alcoholic beverages.

State Administration.

By Mr. McCluskey:

H. 837. Relating to all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; to provide for an additional secretarial assistant for the office of the district attorney of the judicial circuit in which such county lies.

Local Legislation No. 1.

By Mr. Crowe and Naramore (With Notice and Proof):

H. 838. To further amend Act No. 103, H. 372, Regular Session 1963 (Acts 1963, V. 1, p. 486) an Act fixing the compensation of the Walker County Superintendent of education.

Local Legislation No. 1.

Notice and Proof H. 838:

NOTICE

STATE OF ALABAMA COUNTY OF WALKER COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To further amend Act. No. 103, H. 372, Regular Session 1963 (Acts 1963, v. I, p. 486) an Act fixing the compensation of the Walker County superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1 of Act. No. 103, H. 372, Regular Session 1963, as amendment, an act fixing the compensation of the county superintendent of education of Walker County (Acts 1963, v. I, p. 486) is hereby further amended to read as follows:

"Section 1. The superintendent of education of Walker County shall be entitled to receive for the performance of his duties an annual salary and such other allowances as may be set by the county board of education, which salary and allowances shall be paid in equal monthly installments out of the public school funds of the county. This amount shall not be less than \$14,500 or more than \$21,422. This shall be set by the County Board."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF WALKER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jacqueline Gober, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Bookkeeper of the DAILY MOUNTAIN EAGLE, a newspaper of general circulation published in Walker County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 28, June 4, June 11, and June 16, all in the year 1975.

JACQUELINE GOBER,
Bookkeeper.

Sworn to and subscribed before me June 16, 1975.

VIRGINIA STOVER,
Notary Public.

By Messrs. Holley, Folmar, Smith (C), Plaster, Whatley, Baker, Reed, Drake and Carothers:

H. 839. To amend Title 51, Section 461, Code of Alabama 1940, relating to auctioneers so as to exempt out of state auctioneers from procuring a license for no more than three purebred livestock sales in any one year.

Ways and Means.

By Messrs. Holley and Folmar:

H. 840. Relating to counties having a population of not less than 34,100 nor more than 34,900 according to the last federal decennial census amending the title and Section 1 of Act No. 400, S. 449, 1951 Regular Session (Local Acts of 1951, p. 720) so as to correct the population span of this act retroactive to 1970.

Local Legislation No. 1.

By Messrs. Andrews, Quarles, Biddle, Morris, Armstrong, Jolly, Moore (O), Hopping, Howard, Porter, Hall, Kinsey, McMillan, Folmar, Callahan, Robertson, Gafford, Ford, Holley, Williams, Taylor, Carothers, Crowe, Sparks, Rich, Goodwin, Hines, Leonard, Naramore, Drake, Albright and Coburn:

H. 841. To amend Section 2 of Act No. 208, S. 34, Special Session 1966, (Acts 1966, p. 256) now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 378 (3), so as to increase the compensation paid to the surviving dependents of certain peace officers and firemen who are killed in the line of duty.

Ways and Means.

By Messrs. Manley, Pegues, Sonnier, Morris and Goodwin:

H. 842. To provide for and authorize all state universities and colleges, to participate with any private institution of higher learning located

in the State of Alabama, in a consortium product contract as a source of purchasing.

Education.

By Messrs. Manley, Quarles, Pegues, Sonnier, Lockett, Campbell, Weeks, Teague, Higginbotham, Baker, Whatley, Martin, Biddle, Crowe, Turnham, Falkenburg, Cross, Armstrong, Moore (O), Carter, Morris, Riddick, Edwards, Sasser, Carothers, Goodwin, Merrill, Coburn, Clark, Lee, Leonard, Johnson, Rich, Hopping, Harrison, Hilliard, Jolly, McNees, Starkey, Lutz, Greer, Taylor, Ford and Hall:

H. 843. To establish an Alabama Women's Hall of Fame; to prescribe its purposes and membership; to provide for election of members and officers and for the holding of meetings; and to appropriate funds for the use of the Board in carrying out its purposes.

Ways and Means.

By Mr. Malone:

H. 844. To authorize duly sworn and regularly employed law enforcement officers to organize for collective bargaining purposes; to require the unit or agency of state, county, or municipal government which employs such officers to recognize employee organizations and designated bargaining units and to negotiate with such bargaining units as to changes and improvements in specified certain working conditions; to provide for arbitration of certain disputed matters; to require compliance by both sides with collective bargaining agreements and finds of arbitrators; to specifically prohibit strikes, work stoppages and slow downs, and to repeal all conflicting laws.

Local Government.

By Messrs. Armstrong, Jackson (R), Tucker, Hall, Waggoner, Hilliard, Trammell, Andrews, Biddle, Boles, Howard, Gafford, Jolly, Leonard, Hopping and Falkenburg (With Notice and Proof):

H. 845. To provide for the appointment, duties and compensation of the First Assistant Deputy District Attorney, Second Assistant Deputy District Attorney, Third Assistant Deputy District Attorney and Fourth Assistant Deputy District Attorney in counties having a population of six hundred thousand or more, according to the last or any succeeding decennial federal census where the Deputy District Attorney is elected by the people.

Local Legislation No. 2.

Notice and Proof H. 845:

A BILL
TO BE ENTITLED
AN ACT

To provide for the appointment, duties and compensation of the First Assistant Deputy District Attorney, Second Assistant Deputy District Attorney, Third Assistant Deputy District Attorney and Fourth Assistant Deputy District Attorney in counties having a population of six hundred thousand or more, according to the last or any succeeding decennial federal census where the Deputy District Attorney is elected by the people.

Be It Enacted by the Legislature of Alabama:

Section 1. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census where the Deputy District Attorney is elected by the people, such Deputy District Attorney shall be au-

thorized to appoint a First Assistant Deputy District Attorney. Such First Assistant Deputy District Attorney shall be qualified to practice law in the courts of this state and shall be a state officer. Such First Assistant Deputy District Attorney shall serve at the pleasure of the appointing Deputy District Attorney and shall perform such duties as the appointing Deputy District Attorney shall require. There shall be paid to the First Assistant Deputy District Attorney of each said county from the general treasury of the county in equal bi-weekly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to the First Assistant Deputy District Attorney, the same will make the total annual salary of the First Assistant Deputy District Attorney Twenty two thousand dollars (\$22,000.00). The salary of the First Assistant Deputy District Attorney shall be increased five hundred dollars (\$500.00) each year such First Assistant Deputy District Attorney continues in such office to a maximum salary of Twenty four thousand five hundred dollars (\$24,500.00), it being the intent that this provision create an incentive for such officer to continue in such office.

Section 2. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census where the Deputy District Attorney is elected by the people, such Deputy District Attorney shall be authorized to appoint a Second Assistant Deputy District Attorney. Such Second Assistant Deputy District Attorney shall be qualified to practice law in the courts of this state and shall be a state officer. Such Second Assistant Deputy District Attorney shall serve at the pleasure of the appointing Deputy District Attorney and shall perform such duties as the appointing Deputy District Attorney shall require. There shall be paid to the Second Assistant Deputy District Attorney of each said County from the general treasury of the county in equal bi-weekly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to the Second Assistant Deputy District Attorney, the same will make the total annual salary of the Second Assistant Deputy District Attorney Nineteen thousand five hundred dollars (\$19,500.00). The salary of the Second Assistant Deputy District Attorney shall be increased five hundred dollars (\$500.00) each year such Second Assistant Deputy District Attorney continues in such office to a maximum salary of Twenty two thousand dollars (\$22,000.00), it being the intent that this provision create an incentive for such officer to continue in such office.

Section 3. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census where the Deputy District Attorney is elected by the people, such Deputy District Attorney shall be authorized to appoint a Third Assistant Deputy District Attorney. Such Third Assistant Deputy District Attorney shall be qualified to practice law in the courts of this state and shall be a state officer. Such Third Assistant Deputy District Attorney shall serve at the pleasure of the appointing Deputy District Attorney and shall perform such duties as the appointing Deputy District Attorney shall require. There shall be paid to the Third Assistant Deputy District Attorney of each said county from the general treasury of the county in equal bi-weekly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to the Third Assistant Deputy District Attorney, the same will make the total annual salary of the Third Assistant Deputy District Attorney Seventeen thousand dollars (\$17,000.00). The salary of the Third Assistant Deputy District Attorney shall be increased five hundred dollars (\$500.00) each year such Third Assistant Deputy District Attorney continues in such office to a maximum salary of Nineteen thousand five hundred dollars (\$19,500.00), it being the intent that

this provision create an incentive for such officer to continue in such office.

Section 4. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census where the Deputy District Attorney is elected by the people, such Deputy District Attorney shall be authorized to appoint a Fourth Assistant Deputy District Attorney. Such Fourth Assistant Deputy District Attorney shall be qualified to practice law in the courts of this state and shall be a state officer. Such Fourth Assistant Deputy District Attorney shall serve at the pleasure of the appointing Deputy District Attorney and shall perform such duties as the appointing Deputy District Attorney shall require. There shall be paid to the Fourth Assistant Deputy District Attorney of each said county from the general treasury of the county in equal bi-weekly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to the Fourth Assistant Deputy District Attorney, the same will make the total annual salary of the Fourth Assistant Deputy District Attorney Fourteen thousand five hundred dollars (\$14,500.00). The salary of the Fourth Assistant Deputy District Attorney shall be increased by five hundred dollars (\$500.00) each year such Fourth Assistant Deputy District Attorney continues in such office to a maximum salary of Seventeen thousand dollars (\$17,000.00), it being the intent that this provision create an incentive for such officer to continue in such office.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA JEFFERSON COUNTY

Before me, the undersigned Notary Public in and for the State and County aforesaid, personally appeared: John M. McElroy, Who being duly sworn, says on oath that he is: EDITOR - PUBLISHER of The Bessemer Advertiser, a newspaper published in the City of Bessemer, Jefferson County, Alabama, and that a legal notice was published for four weeks, consecutively, in said newspaper, a copy of which notice is hereto attached and made a part of this affidavit, and that the dates on which same was published were: April 18, 25, May 2, 9, 1975 and that the amount indicated hereon is a true and correct statement of the charges for publishing said notice.

Affiant further states that said newspaper is a newspaper having a general circulation in the county in which it is published, and that it has been mailed under second class mailing privilege for fifty-two (52) consecutive weeks prior to the publication of the foregoing advertisement.

JOHN M. McELROY,
Editor-Publisher.

Subscribed and sworn to before me this the 9th day of May, 1975.

JOHN E. SMITH,
Notary Public.

REGULAR SESSION
8th Day

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By Messrs. Smith (J), Holmes, Lewis, Jackson (F), Carothers, Cates, Williams, Crawford, Reed and Folmar:

H. 846. To require that in all felony cases the defendant be served with a copy of the indictment in the presence of his or her counsel.

Judiciary.

By Messrs. Drake, Sparks and Goodwin:

H. 847. To amend the title and Sections 1 and 4 of Act No. 1134, S. 519, Regular Session 1969 (Acts 1969, p. 2099), which act provides for certain school lunchroom managers and assistant managers to become members of the Teachers' Retirement System of Alabama and to receive the benefits therefrom, subject to certain conditions, and which appropriates certain funds to carry out the provisions of said act; so as to include all regularly employed workers in school lunchrooms within the provisions of said act, and to provide an additional appropriation for the purposes of carrying out the provisions of this act.

Ways and Means.

By Messrs. Falkenburg, Clark, Armstrong, Hilliard, McNair, Manley, Morris, Killian, Reed, Sparks, Smith (J), Johnson, Hopping, Roberts, White, Quarles, McMillan and Sasser:

H. 848. To amend Code of Alabama, 1940, Title 30, Sections 5 and 38, both of which relate to the excusing of persons called for jury duty, so as to authorize the excusing of persons from such jury duty by the court administrator in those counties in which the office of court administrator exists.

State Administration.

By Messrs. Falkenburg, Clark, Armstrong, Hilliard, McNair, Manley, Morris, Killian, Reed, Sparks, Smith (J), Johnson, Hopping, Roberts, White, Quarles, McMillan and Sasser:

H. 849. To amend Code of Alabama, 1940, Title 30, Section 3, which provides exemptions from jury duty, so as to eliminate many of such exemptions.

State Administration.

By Messrs. Johnstone, Glass, Malone, Sandusky, Sonnier, Cooper, Callahan and Kennedy:

H. 850. To provide that any license required for a person to hunt or fish anywhere in this state would be valid for 12 full months from the date of issuance.

Conservation.

By Messrs. Gafford, Lutz, Gregg, Falkenburg, Armstrong, Clark, Lee, Boles, McNair, Johnson, Reed, Howard, Morris, Mitchem, Callahan, Sandusky, Moore (O), Smith (M), Sasser, White, Jackson (F), Smith (C), Lewis, Holmes, Smith (J), Folmar, Carothers, Crawford, Holley, Quarles, Hill, Teague, Dial, Weeks, Andrews, Taylor, Goodwin, Albright, McNees, Trammell, Waggoner, Biddle, Jolly, Manley, Naramore, Moore (W), Carter, Cross, Plaster, Turnham, Baker, Whatley, Coburn, Hopping, Burgess, Glass, Johnstone, Cooper, Malone, McCulley, Kennedy, LeFlore, Sonnier, Kinsey and McMillan:

H. 851. To extend the state employees' retirement system and any state employees' insurance plan to members of the legislature, who for the purpose of coming within the provisions of these plans shall be

considered "state employees"; providing that the legislators shall on a voluntary basis elect whether or not they choose to take part in the retirement system or insurance plan; and that the total compensation paid members of the Legislature including per diem, wages, fees, travel and expense allowances and all other forms of compensation shall, for the purposes of this act, be considered as salary for the purpose of making deductions for the insurance and retirement plans.

Ways and Means.

By Messrs. Gafford, Lutz, Gregg, Falkenburg, Armstrong, Clark, Lee, Boles, McNair, Johnson, Reed, Howard, Morris, Mitchem, Callahan, Sandusky, Moore (O), Smith (M), Sasser, White, Jackson (F), Sonnier, Smith (C), Lewis, Holmes, Smith (J), Folmar, Carothers, Crawford, Holley, Quarles, Teague, Andrews, Hill, Dial, Weeks, Taylor, Goodwin, Albright, McNeese, Trammell, Waggoner, Biddle, Jolly, Manley, Naramore, Moore (W), Carter, Cross, Plaster, Turnham, Baker, Whatley, Coburn, Hopping, Burgess, Glass, Johnstone, Cooper, Malone, McCulley, Kennedy, LeFlore, Kinsey and McMillan:

H. 852. Proposing an amendment to the Constitution of Alabama providing that legislators may elect to come within the provisions of the state employees' retirement system and any state employees' insurance plan.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Gafford, White, Armstrong, Jolly, Moore (O), Waggoner, Hopping, Howard, Trammell, Biddle and Boles:

H. 853. To create and establish the position of Chief Deputy Sheriff in counties having a population of six hundred thousand (600,000) or more according to the most recent federal decennial census; to prescribe procedure for immediately filling said position; to prescribe the duties, authority, compensation and term of office of said Chief Deputy Sheriff; to repeal all conflicting statutes and to provide for retroactive effect.

Local Legislation No. 2.

By Messrs. Callahan and Sonnier:

H. 854. Relating to all counties in this state having a population of not less than 300,000 or more than 500,000 according to the most recent federal decennial census, to further facilitate the enforcement of state health laws and to abate pollution created through the occupancy of dwellings and structures which have improper or unsanitary sewage collection and disposal systems, plumbing, or unsafe water supply, through the requirement that the owners or occupiers of such dwellings or structures to which such health laws apply obtain a certificate prior to occupancy thereof certifying that such dwelling or structure is in compliance with such applicable health laws from the County Boards of Health in such counties, authorizing that a fee of five dollars (\$5.00) be charged to cover the expense of processing such certificates, prohibiting electric utility companies in such counties from establishing service to such dwellings or structures until a copy of such certificate is obtained and delivered to the utility company, and providing misdemeanor punishment for violations of the provisions of this act.

Local Legislation No. 3.

REGULAR SESSION
8th Day

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By Messrs. Callahan, Kennedy, Cooper, Glass, Sandusky, Malone, McMillan, Sonnier, Johnstone, McCulley and LeFlore:

H. 855. To appropriate \$25,000 from the Special Educational Trust Fund to the Mobile County School Board for the purpose of purchasing mini-school buses to transport special education students.

Ways and Means.

H. 686 RECALLED

On motion of Mr. Callahan, the bill, H. 686, was recalled.

RESOLUTION

The following resolution was introduced:

By Mr. Coburn:

H. J. R. 99. WISHING A SPEEDY RECOVERY TO ALABAMA'S CONGRESSMEN AND THEIR WIVES.

WHEREAS Alabama's Congressmen Bob Jones, Tom Bevil and Walter Flowers were injured in a bus-log truck wreck in Georgia; as were Mrs. Jones, Mrs. Bevil and Mrs. Carolyn Nichols, wife of Representative William Nichols; and

WHEREAS this Legislature was saddened to learn of their injuries; and

WHEREAS a state trooper escorting the bus reported the log truck braked to avoid some cars stopped for a left turn and jackknifed into the path of the chartered bus; and

WHEREAS the Congressmen and their wives were in Georgia to dedicate the West Point Lake and Dam on the Alabama border; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret the injuries to Mr. and Mrs. Bob Jones, Mr. and Mrs. Tom Bevil, Walter Flowers and Mrs. William Nichols, and wish them a speedy recovery from the accident.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to each of the injured mentioned above.

On motion of Mr. Coburn, the rules were suspended and the resolution, H. J. R. 99, was adopted.

RESOLUTIONS

The following resolutions introduced on the seventh legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 88. COMMENDING THE MEMBERS OF THE MADISON COUNTY ELECTED OFFICIALS SALARY COMMISSION.

H. J. R. 91. CONGRATULATING MRS. LLOYD L. MEHAFFEY ON BEING NAMED VOLUNTEER OF THE YEAR BY THE LADIES AUXILIARY TO ALABAMA GOODWILL INDUSTRIES.

On motion of Mr. Crowe, the resolutions were adopted en masse.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 84. DECLARING THE WEEK OF JUNE 16-22 ALABAMA POULTRY PRODUCTS WEEK.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Owen:

S. 194. To make an appropriation to the Division of Game and Fish, Department of Conservation and Natural Resources from the Game and Fish Fund for the purchase of radio communications equipment.

Also:

By Messrs. Torbert and St. John:

S. 131. To amend further the title and Sections 1 and 2 of Act No. 396, H. 289, Regular Session 1957 (Acts 1957, p. 549), providing for uniform gifts to minors so as to redefine the word "court" and to provide for the making of testamentary gifts under such act.

Also:

By Messrs. McMillan, Owen, Clemon, Little, Torbert, Pearson and Mims:

S. 185. Regulating further the licensing of motor vehicles, to provide for the issuance of semi-permanent license plates with a tab or other device indicating the payment of the license tax for the current year.

Also:

By Messrs. Torbert and Vacca:

S. 132. To repeal and re-enact Section 11, Title 3, Code of Alabama 1940, as amended, pertaining to cruelty to animals.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 194. Ways and Means.
- S. 131. Judiciary.
- S. 185. Highway Safety.
- S. 132. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Messrs. Vacca, Ellis and Clemon:

S. 104. To provide for a driver's license, a chauffeur's license, a motorcycle license, and to prescribe the manner of test therefor, and to authorize the Director of Public Safety to issue said licenses.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 104. Highway Safety.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Fine:

S. 78. To provide for the barring of all actions against, and immunity from any actions for, all persons who performed or furnished the design, planning, supervision, observation, or construction of improvements on real property, whether based on contract or tort, for damages for personal injury, wrongful death or damage to property arising out of any act or omission of such persons in the design, planning, supervision, observation, or construction of such improvements, even though the injury did not occur and the cause of action could not reasonably have been discovered within a period of seven years, unless such actions commenced with said seven years next after completion of the improvement, except that if injury to the person or property occurred during the seventh year after such completion, an action in tort to recover damages for such an injury including an injury causing wrongful death, may be brought within one year of the date of such injury; the immunity provided herein shall not be available to any owner, tenant or person in actual possession and control of the improvement at the time the cause of action accrues; nor shall it be available to the manufacturer or supplier of any equipment or machinery even though such equipment or machinery becomes a part of the real property either as an improvement or otherwise; and to repeal conflicting laws.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 78. State Administration.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 84. DECLARING THE WEEK OF JUNE 16-22 ALABAMA POULTRY PRODUCTS WEEK.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

BILLS ON THIRD READING

And the bill:

H. 594. To alter, re-arrange and extend the boundaries of the Town of Kinsey, in Houston County, Alabama.

Having been postponed on the seventh legislative day, was taken up.

H. 594 POSTPONED

On motion of Mr. Crawford, the bill, H. 594, was postponed to the tenth legislative day.

And the bill:

H. 132. Relating to Blount County; to provide further for the costs and charges in criminal cases in any court of the county.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McNair, McNeas, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks and Whatley.

—79

And the bill:

H. 581. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent

federal decennial census, providing that the circuit court bailiffs of such counties shall receive ten dollars (\$10) per day for each day of service.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lutz, McCulley, McMillan, McNair, McNees, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—77

And the bill:

H. 582. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census, providing that persons serving on jury duty in such counties shall receive \$10.00 per day for such service, in addition to mileage of 10¢ per mile, and repealing all conflicting laws.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lutz, McCulley, McNees, Malone, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White and Williams.

—79

And the bill:

H. 601. Relating to counties having a population of not less than 39,500 nor more than 41,750 inhabitants according to the most recent federal decennial census; to authorize private schools located in the largest municipality in such counties to participate in the recreation programs provided for by Act No. 527, H. 1330, Regular Session 1973 (Acts of 1973, p. 768), as amended, and to make the provisions of this Act retroactive.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 73; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lewis, Lutz, McCulley, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Warren, Weeks, Whatley and White.

—73

Nay: Mr. Kennedy.

—1

And the bill:

H. 702. Relating to Fayette County; further regulating the compensation of the county superintendent of education.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Warren, Weeks, White and Williams.

—80

And the bill:

H. 707. To authorize the Chambers County Commission or other like governing body to appoint an assistant county engineer; to provide for his compensation; to prescribe certain qualifications and duties; to provide for state participation in his salary and to repeal conflicting laws.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore

(W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White and Williams.

—82

And the bill:

H. 708. Relating to Chambers County; to provide for payment to the employees' retirement system of Alabama of the member's and employer's contributions for the assistant county engineer of said county and to repeal conflicting statutes.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNeas, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White and Williams.

—82

And the bill:

H. 709. To authorize the county commission of Chambers County to provide for the relief of Wilma M. Atkinson because of property damage sustained to her automobile.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNeas, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White and Williams.

—82

And the bill:

H. 712. (With Substitute): To authorize county and municipal governments in counties with populations of not less than 24,000 nor more than 24,800 according to the most recent federal decennial census to enter into cooperative agreements for the administration of com-

prehensive land management controls as authorized under Act No. 119, H. 132, 1971 Third Special Session (Acts of Alabama 1971, Vol. V. p. 4346), and as required to allow such governmental units to meet the requirements of the National Flood Insurance Act of 1968, as amended.

Was taken up.

H. 712 POSTPONED

On motion of Mr. Plaster, the bill, H. 712 with pending substitute, was postponed to the ninth legislative day.

And the bill:

H. 48. Relating to Jefferson County; to provide that the Jefferson County school system shall remit to the Midfield school system an appropriate amount of local school tax revenues so as to defray the additional financial burden placed upon the Midfield school system by the transfer of certain students pursuant to federal court school desegregation orders; to prescribe the formula and payment procedure for such remittance; to prescribe penalty for delinquent accounts; to provide for retroactive effect to October 1, 1974 and to repeal all conflicting statutes.

Was taken up.

H. 48 POSTPONED

On motion of Mr. McNair, the bill, H. 48, was postponed to the ninth legislative day.

And the bill:

H. 6. To authorize any county in Alabama having a population of 600,000 or more according to the most recent federal decennial census and any incorporated municipality situated therein to cooperate with other governmental subdivisions, public agencies, public corporations and authorities in the construction of new residential water mains and pipes of an approved public water supply system and the extension of presently existing approved public water supply system mains and pipes to all areas of such county not presently served by an approved public water supply system; to authorize the costs of construction and installation of said mains and pipes, together with the costs of any improvements made thereon, or any portion of said costs, to be assessed against the property abutting on the streets, avenues, alleys, highways, or other public places so improved or served by said mains or pipes to the extent of the increase in value of such property by reason of the special benefits derived from such mains or pipes and from their construction, extension or improvement by the county or incorporated municipality; and, as other means of financing such construction, extension or improvement, to authorize the issuance of revenue bonds and the payment of monies out of general and special funds of such county or municipality and out of funds received from the State of Alabama and from the United States Government; and to provide low cost loans to affected property owners.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin,

Greer, Gregg, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnston, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—82

Nay: Mr. Tucker.

—1

And the bill:

H. 391. To authorize the Clerk of the House and Secretary of the Senate to trade in any equipment purchased for the use of the respective houses of the Legislature on purchases of new equipment therefor.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Lewis, Lockett, Lutz, McCulley, McNees, Malone, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Weeks, Whatley, White, Williams and Wyatt.

—74

H. 391 RECONSIDERED

Having voted on the prevailing side, Mr. Riddick moved to reconsider the vote by which the bill, H. 391, was passed, and the motion was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Ford, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—77

H. 391 REINSTATED ON CALENDAR

On motion of Mr. Riddick, the bill, H. 391, was reinstated in its original position on the Calendar.

H. 6 RECONSIDERED

Having voted on the prevailing side, Mr. Armstrong moved to reconsider the vote by which the bill, H. 6, was passed, and the motion was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Holley, Holmes, Hoping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Leonard, Lewis, Lockett, Lutz, McCulley, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—82

AMENDMENT OFFERED

Mr. McNair offered the following amendment to the bill, H. 6:

Amend H. B. 6 by deleting in its entirety Sections 2, 3 and 4 and inserting in lieu thereof the following:

"Section 2. Any such county and any incorporated municipality situated therein shall cooperate with other governmental subdivisions, public agencies, public corporations and authorities in the construction of new residential water mains and pipes of an approved public water supply system and the extension of presently existing approved public water supply system mains and pipes to all areas of such county not presently served by an approved public water supply system; and may cause the construction and installation costs of said mains and pipes, together with the costs of any improvements made thereon, or any portion of said costs, to be assessed against the property abutting on the streets, avenues, alleys, highways or other public places so improved or served by said mains or pipes to the extent of the increase in value of such property by reason of the special benefits derived from such mains or pipes and from their construction, extension or improvement by the county or incorporated municipality. By written agreement with the property owner such assessments may be paid by such owners, and future owners on an equal monthly or annual payment basis with interest at the rate of six percent (6%) per annum.

"Section 3. In addition to the power of assessment conferred by Section 2 above, each such county, municipality and approved water supply system as described in Section 1 above is hereby authorized to expend its general funds, to issue its revenue bonds, to borrow funds or utilize other appropriate means, for the purpose of financing any portion or all of the costs of the construction, extension or improvement of water mains and pipes of an approved water supply system in accordance with the provisions of Title 37, Sections 308-340, Code of Alabama, 1940, as amended. By written agreement with owner, the tap on cost to such owner in utilizing water from such mains and pipes may be added to the assessment as provided for in Section 2 hereof.

"Section 4. Any such county or incorporated municipality may pay out of its general funds, out of any special funds that may be provided for the purpose, and out of any funds received from the State of Ala-

8th Day

bama or from the United States Government, such portion of the costs of the construction, extension or improvement of said water mains and pipes as such county or municipality shall see fit, and may utilize any such funds to pay tap on costs in those instances where the owner agrees in writing to the addition of such costs to the improvement, assessment as provided for in Sections 2 and 3 hereof."

And the amendment was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hilliard, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—80

And the bill, H. 6 as amended, was again read at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hilliard, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—82

BILLS ON THIRD READING RESUMED

And the bill:

H. 106. (With Amendment): Relating to Russell County, providing for the hiring of two additional deputies and one county jail matron to be appointed by the sheriff, and providing salaries therefor.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 106 by adding at the end of Section 1 the following: Provided that at least two (2) deputies shall be stationed at a point outside the police jurisdiction of Phenix City, Alabama, at a place de-

terminated by the Sheriff with the approval of the Russell County Commission.

And the amendment was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—83

And the bill, H. 106 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lewis, Lutz, McNair, McNees, Malone, Manley, Martin, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—74

And the bill:

H. 167. To alter, rearrange and extend the boundary lines of the City of Scottsboro, Jackson County, Alabama, so as to include within the corporate limits thereof certain additional territory lying within the following described boundaries, situated in Jackson County, Alabama.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser,

Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—83

And the bill:

H. 168. To alter, rearrange and extend the boundary lines of the City of Scottsboro, Jackson County, Alabama, so as to include within the corporate limits thereof all territory which is already included within such corporate limits immediately prior to the time this Act becomes law and, in addition thereto, all the territory which is not then included within such corporate limits but which lies within the following described boundaries, all situated in Jackson County, Alabama.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—86

And the bill:

H. 450. Relating to Jackson County, providing for a salary for the chairman of the county governing body and providing for a monthly expense allowance for the chairman and members of said county governing body.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—83

And the bill:

H. 693. Authorizing the county commission of Sumter County to pay the sheriff of Sumter County a monthly expense allowance of two hundred fifty dollars (\$250.00).

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—81

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. McNair, the rules were suspended in order to bring up out of order the bill, H. 48, which was previously postponed to the ninth legislative day.

And the bill:

H. 48. Relating to Jefferson County; to provide that the Jefferson County school system shall remit to the Midfield school system an appropriate amount of local school tax revenues so as to defray the additional financial burden placed upon the Midfield school system by the transfer of certain students pursuant to federal court school desegregation orders; to prescribe the formula and payment procedure for such remittance; to prescribe penalty for delinquent accounts; to provide for retroactive effect to October 1, 1974 and to repeal all conflicting statutes.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—80

RESOLUTION

The following resolution was introduced:

By Messrs. Baker and Smith (M):

H. R. 100. WISHING THE SPEEDY RECOVERY OF MRS. CURTIS L. DOBBS, SR.

WHEREAS, Mrs. Curtis L. Dobbs, Sr. has been a prominent citizen of Russell County for many years; and

WHEREAS, she has done much more than her pro rata share to promote the good life and well being of her fellow man; and

WHEREAS, she has served unselfishly and without remuneration or hope of worldly gain; and

WHEREAS, it has recently come to the attention of the State that Mrs. Curtis L. Dobbs, Sr. has succumbed to ill health and is now recuperating;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That it does hereby take this opportunity to express grateful appreciation to Mrs. Curtis L. Dobbs, Sr. for her public contributions; and

BE IT FURTHER RESOLVED, That the State does wish her a rapid and immediate recovery; and

BE IT EVEN FURTHER RESOLVED, That upon recovery, the State does request that Mrs. Curtis L. Dobbs, Sr. re-enter public life and resume her traditional place of leadership.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 100, on the Clerk's desk for one legislative day.

BILLS ON THIRD READING RESUMED

And the bill:

H. 127. To provide that any bona fide citizen of the state who is over 65 years of age shall be exempt from paying any tuition at any state supported institution of higher learning.

As amended and postponed on the fifth legislative day, was taken up.

H. 127 TEMPORARILY CARRIED OVER

On motion of Mr. Manley, the bill, H. 127 as amended, was temporarily carried over.

UNFINISHED BUSINESS

The House proceeded to the consideration of the Unfinished Business.

And the bill:

H. 240. To require state officials and certain state employees to file financial disclosure statements; to prescribe the procedure for filing such statements; to allow inspection of such financial statement in certain circumstances; and to prescribe the duties of the Clerk of the House and the Secretary of the Senate under the provisions of this act; to repeal

the state ethics law viz. Act No. 1056, S. 1, Regular Session 1973 [Acts 1973, p. 1699, now appearing in Code of Alabama 1940, Recompiled 1958, Title 55, Sections 327 (8) - 327 (39)].

With substitute offered by Mr. Manley on the seventh legislative day was taken up.

Mr. Higginbotham offered the following substitute to the substitute offered by Mr. Manley to the bill, H. 240:

**A BILL
TO BE ENTITLED
AN ACT**

To amend and re-enact Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, pg. 1699); entitled, An Act to establish a state ethics commission and to provide a state ethics law, which: requires disclosures of certain economic interests and certain family connections to be filed by state officials and certain state employees and by persons having certain business dealings with the state or its agencies or instrumentalities, proscribes certain practices by state officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulate such activities of such persons; prescribes penalties; provides for the enforcement of this Act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by county and municipal officials needed to safeguard the public trust in such governmental units, so as to amend the title and certain sections; to eliminate section 14; and to renumber certain sections.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, pg. 1699) is hereby amended and re-enacted to read as follows:

"AN ACT

"To establish a state ethics commission and to provide a state ethics law, which: Requires disclosures of certain economic interests and certain family connections to be filed by candidates for public offices, public officials and employees, and by persons having certain business dealings with the state, a county or municipality or its agencies or instrumentalities; proscribes certain practices by public officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by public officials and employees needed to safeguard the public trust in such governmental units.

"Be It Enacted by the Legislature of Alabama:

"SECTION 1.

"(a) It is essential to the proper operation of democratic government that public officials be independent and impartial; that governmental decisions and policy be made in the proper channels of the gov-

ernmental structure; that public office not be used for private gain other than the remuneration provided by law; and that there by public confidence in the integrity of government. The attainment of one or more of these ends is impaired whenever there exists a conflict between the private interests of an elected official or a government employee and his duties as such. The public interest, herefore, requires that the law protect against such conflicts of interest and establish appropriate ethical standards with respect to the conduct of elected officials and government employees in situations where conflicts exist.

"(b) It is also essential to the proper operation of government that those best qualified be encouraged to serve the government. Accordingly, legal safeguards against conflicts of interest must be so designed as not unnecessarily or unreasonably to impede the recruitment and retention by the government of those men and women who are best qualified to serve it. An essential principal underlying the staffing of our government structure is that its elected officials and employees should not be denied the opportunity, available to all other citizens, to acquire and retain private economic and other interests, except where conflicts with the responsibility of such elected officials and employees to the public cannot be avoided.

"(c) Also, the legislature hereby declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to individual members of the legislature, to committees of the legislature, and to officials of the executive branch, their opinions on legislation, on pending executive actions and on current issues; and that, to preserve and maintain the integrity of the legislative and administrative processes, it is necessary that the identity, expenditures and activities of certain persons who engage in efforts to persuade members of the legislature or the executive branch to take specific actions, either by direct communication to such officials, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. The provisions of this Act shall be liberally construed to promote complete disclosure of all such information and so as to assure that the public interest will be fully protected.

"(d) It is the policy and purpose of this Act to implement these objectives of protecting the integrity of all governmental units of this state and of facilitating the recruitment and retention of qualified personnel by prescribing essential restrictions against conflicts of interest in state government without creating unnecessary barriers to the public service.

"SECTION 2. Whenever used in this Act, the following words and terms shall have the following respective meanings unless the context clearly indicates otherwise:

"(a) 'Business' means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, and any other legal entity.

"(b) 'Business with which he is associated' means any business of which the person or a member of his family, is an officer, owner, partner, employee or holder of more than 10% of the fair market value of such business.

"(c) 'Candidate for public office' means any person who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official, and any person who has been nominated for appointment to serve as a public official.

“(d) ‘Commission’ means the State Ethics Commission. .

“(e) ‘Legislative employee’ means any person employed by the legislature or by any of its committees and any person employed by a legislator from funds provided by the state, who receives compensation of \$12,000 or more per year.

“(f) ‘Lobbying’ means the practice of promoting or opposing the introduction or enactment of legislation before the Legislature or the legislative committees or the members thereof, and shall also include the practice of promoting or opposing executive approval of legislation.

“(g) ‘Lobbyist’ means all persons who seek to encourage the passage, defeat, or modification of any legislation, except members of the Alabama Legislature or any person who, on an isolated basis and without the intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees of the Legislature in his individual capacity, or on behalf of a corporation, partnership, association or other business entity, with which such person is regularly associated as an employee, officer, member or partner without receiving additional salary or compensation other than reasonable and ordinary travel expenses, to express support of or opposition to any legislation, and who shall so declare to a member, members or committee of the legislature with whom he discusses any proposed legislation.

“(h) ‘Reporting Year’ means the reporting official’s or employee’s fiscal tax year as it applies to his United States Income Tax Return(s).

“(i) ‘Public Employee’ means any employee of state, county or municipal governments who has administrative and discretionary authority for the receipt or expenditures of public funds or who earns in excess of \$15,000 annually but shall not include those persons who are primarily engaged in teaching duties in all schools, colleges, and universities in the State.

“(j) ‘Public Employee’s Family’ means the employee’s spouse and dependents.

“(k) ‘Public official’ means any elected official at the state, county, or municipal level of government and any person appointed under state, county, or municipal law to an office where in the conduct of such office such person has administrative and discretionary authority for the receipt or expenditure of public funds. This definition shall also include members of state boards, commissions, committees, councils and authorities, however selected, Presidents, Vice-Presidents, Chief Purchasing Officials and Chief Financial Officials of all schools, colleges and universities of the state. This definition excludes members of all other boards not named including but not limited to those commissions, committees, councils, boards of authorities, functioning solely for cultural or historical purposes and advisory board members and members of boards of trustees of institutions of higher learning of the state of Alabama, and all county and city boards of education, both appointed and elected.

“(l) ‘Public Official’s Family’ means the official’s spouse and dependents.

“SECTION 3.

“(a) No public official or employee shall use an official position or office to obtain direct personal financial gain for himself, or his family, or any business with which he or a member of his family is associated unless such use and gain are specifically authorized by law.

"(b) Unless prohibited by the Alabama Constitution, nothing herein shall be construed to prohibit a legislator from introducing bills and resolutions, serving on committees or from making statements or taking action in the exercise of his legislative duties.

"SECTION 4. No person shall offer to or give to a public official or employee or his family, and none of the aforementioned shall solicit or receive anything of value, including a gift, favor or service or a promise of future employment, based on any understanding that the vote, official actions, decisions, or judgment of the intended recipient or family member would be influenced thereby, or where it could reasonably be inferred that the thing of value would influence such person in the discharge of his duties. Expenses associated with social occasions afforded public officials and employees shall not be deemed a thing of value within the meaning of this section or prohibited hereby.

"SECTION 5. No public official or employee or his family shall solicit or receive any money in addition to that received by the official or employee in his official capacity for advice or assistance on matters concerning the legislature, an executive department, or public regulatory board, commission or other body. No public official or employee or business with which he is associated shall receive any fee for services provided to the state or any of its agencies; nor shall any public official or employee or business with which he is associated receive any fee, salary, wages or other compensation for services provided to any county, or city or instrumentalities thereof unless a disclosure statement provided for this section shall be filed with the commission by the person rendering the services. The statement shall include the following information: (1) The name of the employer (2) the purpose of the employment (3) the amount of the compensation received for the employment and (4) the date of employment.

"SECTION 6. No public official or employee shall use or disclose confidential information gained in the course of or by reason of his position or employment in any way that could result in financial gain other than his regular salary as such state officer for himself, his family, or for any other person.

"SECTION 7. Unless expressly provided otherwise by law no person shall serve as a member or employee of a state, county or city regulatory board or commission or other body that regulates any business with which he is associated.

"SECTION 8. If a public official or employee, or member of his family, or a business with which any of them is associated, shall for a fee represent a client or constituent before any quasi-judicial board or commission, governmental regulatory agency or executive department or agency, notice of such representation must be given within five days after the first day of such appearance to the State Ethics Commission in the manner prescribed by the commission. Provided, that no member of the Legislature shall for a fee, reward or other compensation represent any person, firm or corporation before the Public Service Commission or the State Board of Adjustment.

"SECTION 9.

"(a) Unless otherwise permitted to do so under law, no public official or employee, or a member of his family, and no business with which any of them is associated shall enter into any contract to provide goods or services which is to be paid in whole or in part out of state, county or municipal funds unless the contract has been awarded through a process of public notice and competitive bidding and a copy of such contract is filed with the commission. Provided, however, all such con-

tract awards shall be made as a result of original bid takings and no awards from negotiations after bidding shall be allowed. A copy of each contract regardless of the amount, entered into by a public official, employee, family member, and any business with which any of them is associated, shall be filed with the State Ethics Commission.

"(b) Any public official or employee, or a member of his family, and any business with which any of them is associated who is specifically exempted from the provisions of the Alabama Bid Law contained in Title 55, Section 495, Code of Alabama, must also file a copy of any contract entered into with the state, county or municipality or any of their agencies with the State Ethics Commission.

"SECTION 10. No person shall offer or give to a member or employee of a governmental agency, board or commission that regulates a business with which such person is associated, and no member or employee of a governmental regulatory agency, board or commission shall solicit or accept from any such person anything of value including a promise of future employment or a favor or service while the member or employee is associated with the regulatory agency, board or commission. However, expenses associated with social entertainment afforded members and employees when such expenses are in amounts of less than \$100 per year, per member or employee, shall not be deemed a thing of value within the meaning of this section.

"SECTION 11. No former state official or employee shall serve for a fee as a lobbyist or represent clients before the body of which he is a former member or employee for a period of three years after he leaves such membership or employment, unless notice of such representation is given within five days after such appearance to the State Ethics Commission in the manner prescribed by the commission; furthermore, no former public official or employee shall enter into a contract with any governmental agencies unless within five days of entering into said contract notice is filed with the commission of his previous status as a public official or employee and a copy of the contract provided.

"SECTION 12.

"(a) No person elected or employed to serve as a public official or employee shall be allowed to take the oath of office or enter upon his duties unless he has previously filed a statement of economic interests in accordance with the provisions of this Act at the office of the State Ethics Commission. Such statement shall be made on a form provided by the commission and shall contain the following information on the person making such filing:

"1. Name, residential address, business; name and address of living spouse, minor and dependent children, adult children, parents, brothers, and sisters, and to the best of his knowledge the principal occupation of each of these persons.

"2. A list of occupation(s) to which one-third or more of working time was given during previous reporting year by the filing official or employee and spouse;

"3. A listing of total combined family income of the public official or employee during the most recent reporting year as to income from salaries, fees, dividends, profits, commissions, and other compensation from any business doing business in Alabama and listing the names of each business and the income derived from such business in the following categorical amounts: less than \$1,000; at least \$1,000 and less than \$10,000; \$10,000 or more. Further, the person reporting shall name any business or subsidiary thereof in which he or his spouse or dependants,

jointly or severally, own one-tenth or more of the stock or in which he or his spouse serves as an officer, director, trustee, or consultant where such service provides income of more than \$1,000 for the reporting period;

"4. If the filing public official or employee, or his spouse, has engaged in a business during the last reporting year which provides legal, accounting, medical, or health related, real estate, banking, insurance, educational, farming, engineering, architectural management, or other professional services or consultations, then the filing party shall report the number of clients of such business in each of the following categories and the income in categorical amounts received during the reporting period from the combined number of clients in each category: electric utilities, gas utilities, telephone utilities, water utilities, cable television companies, intrastate transportation companies, pipe line companies, oil and/or gas exploration companies, oil and gas retail companies, banks, savings and loan associations, loan and/or finance companies, manufacturing firms, mining companies, life insurance companies, casualty insurance companies, other insurance companies, retail companies, beer, wine, and/or liquor companies or distributors, trade associations, professional associations, governmental associations, associations of public employees or public officials, counties and any other businesses or associations that the commission may deem appropriate. Amounts received from combined clients in each category shall be reported as: less than \$1,000; more than \$1,000 but less than \$10,000; \$10,000 or above;

"5. If retainers are in existence or contracted for in any of the above categories of clients, a listing of the categories along with the anticipated income to be expected annually from each category of clients shall be shown in the following amounts: less than \$1,250; \$1,250 or more;

"6. If real estate that is held for investment or is revenue producing is held by a public official, his spouse or dependents, then a listing thereof by the following categories of fair market value: under \$50,000; at least \$50,000 but less than \$250,000; \$250,000 or more; and the following categories of annual gross rent and lease income on real estate: less than \$10,000; at least \$10,000; at least \$10,000 and less than \$50,000; \$50,000 or more. Furthermore, if a public official or a business in which he is associated receives rent or lease income from any governmental agency in Alabama, specific details of the lease or rent agreement shall be filed with the commission;

"7. A listing of indebtedness to businesses operating in Alabama showing types and number of each as follows: banks, savings and loan associations, insurance companies, mortgage firms, and stock brokers (The commission shall add additional categories as it deems necessary); and the indebtedness to combined organizations in each category in amounts as follows: less than \$25,000; \$25,000 but less than \$50,000; \$50,000 but less than \$100,000; \$100,000 or more. Indebtedness associated with the homestead of the person filing is exempted from this disclosure requirement. Filing required by subsections of this section shall reflect information and facts in existence at the end of the reporting year. In the event that said information required herein is not filed as required the commission shall notify the public official or employee concerned as to his failure to so file and the public official shall have 10 days to file said report after receipt of said notification.

"(b) After the original filing of the above prescribed statement(s) each person shall make additional subsequent filing within 90 days

after the termination of each succeeding reporting year. Filings required by subsections 5, 6 and 7 of this section shall reflect information and facts in existence at the end of the reporting year.

"SECTION 13. Within 10 days after he becomes a candidate for state office, each candidate shall file a statement of economic interests as prescribed by the commission and in keeping with this Act at the office of the State Ethics Commission.

"(a) Each official who receives a declaration of candidacy or petition to appear on the ballot for election as a state official and each official who nominates a person to serve as a state official shall, within five days of such receipt or nomination, notify the State Ethics Commission of the name of each new candidate for state office as defined in this Act, and the date on which such person became a candidate.

"(b) The State Ethics Commission shall notify such official and, in the case of candidates for appointive office, the clerk or secretary of the body that will approve or disapprove the nomination, of the name of each candidate who files a statement of economic interests at the office of the commission and of the date on which such statement was filed.

"(c) Other provisions of the law notwithstanding, if a candidate for elective public office does not submit a statement of economic interests in accordance with the requirements of this Act within ten days after he becomes a candidate, his name shall not appear on the ballot. However, the State Ethics Commission may in its discretion allow the candidate an additional five days to file such statement of economic interests because of mistake, omission, error or other good cause.

"(d) If a person who becomes a candidate for appointive public office by nomination fails to file a statement of economic interests in accordance with the provisions of this Act within ten days after such nomination, the nomination shall not be approved or ratified until at least ten days after he has filed such statement of economic interests.

"Section 14. Due to the unique position of persons to whom the privileges of the floor of the House and Senate have been extended to lobby legislation or to serve as 'secret lobbyists' all persons to whom the privileges of the floor have been extended must, before they actually exercise such privilege, file the statement of economic interest required under the provisions of this Act. Said requirement shall apply regardless of their holding any position or official capacity with the State or regardless of the amount of their income.

"SECTION 15.

"(a) When any citizen of the State or business with which he is associated represents for a fee any person before a state regulatory agency or commission or department of the executive branch, he shall report to the State Ethics Commission the name of any adult child, parent, spouse, brother or sister who is an official or an employee of that state regulatory agency or commission or department of the executive branch.

"(b) When any citizen of the State or business with which he is associated enters into a contract for the sale of goods or services to the State of Alabama or any of its agencies in amounts exceeding \$1,000, he shall report to the State Ethics Commission the names of any adult child, parent, spouse, brother or sister who is an official or employee of the agency or department with whom the contract is made. However, this section shall not apply to any contract for the sale of goods or services awarded through a process of public notice and competitive bidding.

"(c) Each regulatory agency, commission or department of the executive branch or any agency of the State of Alabama shall be responsible for notifying citizens affected by this act of the requirements of this provision.

"SECTION 16.

"(a) Every governmental agency head shall file reports with the commission on any matters that come to his attention which may constitute a violation of this Act.

"(b) Governmental agency heads shall cooperate in every possible manner in connection with any investigation or hearing, public or private, which may be conducted by the commission.

"(c) The commission shall prepare and publish, prior to the implementation of this Act, procedures for review or appeal of any action taken against or in regard to any person covered in this Act.

"SECTION 17.

"(a) There is hereby created a State Ethics Commission which shall be composed of five members, each of whom shall be a fair, equitable citizen of this state and of high moral character. No member of the commission shall be eligible for appointment to succeed himself, except that members appointed to the first commission may each be appointed one time to succeed himself. One member of such commission shall be appointed by each of the following officers: the Governor, the Lieutenant-Governor, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, and the Attorney General. The members of the first commission shall be appointed for terms of office expiring one, two, three, four and five years, respectively, from September 14, 1973, the member being appointed by the Governor having the one-year term, the member appointed by the Lieutenant-Governor having the two-year term, the member appointed by the Speaker of the House having the three-year term, the member appointed by the Chief Justice having the four-year term, the member appointed by the Attorney General having the five-year term. Successors to the members of this first commission shall each be appointed for terms of five years and until their successors are appointed and have qualified. If any of the above listed appointing authorities should fail to make his appointment to the first commission within forty-five days after September 14, 1973, or to fill a vacancy forty-five days after such vacancy occurs, then the Governor may make such appointment; but the term of such appointee shall be for the period prescribed for a member appointed by the officer authorized to make such appointment but who failed to do so. If at any time there should be a vacancy on the commission, a successor member to serve for the unexpired term applicable to such vacancy shall be appointed by the same appointing authority as the member whose unexpired term such successor is to fill. The commission shall elect one member to serve as chairman of the commission and one member to serve as vice chairman. The vice chairman shall act as chairman in the absence of disability of the chairman or in the event of a vacancy in that office. As soon as all the members of the board have been appointed the Governor shall call and provide for the holding of an organizational meeting of the commission. Such meeting shall be set for not less than forty-five days nor more than sixty days after September 14, 1973.

"(b) A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission and three members thereof shall constitute a quorum.

"(c) The commission shall at the close of each fiscal year report to the legislature and the Governor concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the monies it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

"(d) Members of the commission shall, while serving on the business of the commission, be entitled to receive compensation at the rate of \$50 per day, and each such member shall be paid the actual and necessary expenses incurred in the performance of his duties as a member of the commission when approved by the chairman thereof.

"(e) All members, officers, agents, attorneys, and employees of the commission shall be subject to the provisions of this Act and also to the provisions of law prohibiting political activities by state employees.

"(f) The commission shall appoint an Executive Director and such other staff as is needed. All such appointees shall serve at the pleasure of the commission. All such employees, except for the Executive Director, shall be employed subject to the provisions of the state merit system law, and their compensation shall be prescribed pursuant to such law. The compensation of the Executive Director shall be fixed by the Commission, but shall not exceed \$25,000 per year. The Executive Director shall be responsible for the administrative operations of the commission and shall perform such other duties as may be delegated or assigned to him from time to time by regulation or order of the commission. However, the commission shall not delegate the making of regulations to the Executive Director. The commission may require the Executive Director to draft regulations but no regulation shall be implemented by the Executive Director until adopted by the commission members.

"(g) The commission is hereby authorized, when in its discretion the ends of justice will be thereby served, to waive any rule or regulation presented relative to any disclosure statement, provided such waiver is done in writing stating the reason why and made a part of the public record.

SECTION 18. It shall be the duty of the commission:

"(a) To prescribe forms for statements required to be filed by this Act, and to furnish such forms to persons required to file such statements;

"(b) To prepare and publish a manual setting forth recommended uniform methods of reporting for use by persons required to file statements required by this Act;

"(c) To accept and file any information voluntarily supplied that exceeds the requirements of this Act;

"(d) To develop a filing, coding, and cross-indexing system consonant with the purposes of this Act;

"(e) To make reports and statements filed with it available at reasonable hours to responsible public inquiry subject to such regulations as the commission may prescribe including, but not limited to regulations requiring identification by name, occupation, address and telephone number of each such person examining information on file with the commission. However, no copies of reports and statements will be removed from the office of the State Ethics commission.

"(f) To preserve such reports and statements for a period of six years from date of receipt;

"(g) To make investigations with respect to statements filed under the provisions of this Act, and with respect to alleged failures to file any statement required under the provisions of this Act and, upon complaint by any individual with respect to alleged violation of any part of this Act; and whenever in its opinion a thorough audit of any person or any business should be made in order to determine whether this Act has been violated, the commission shall direct the Examiner of Public Accounts to have such audit made and a report thereof filed with the commission. The Examiner of Public Accounts shall upon receipt of such directive immediately comply therewith;

"(h) To report suspected violations of law to the appropriate law enforcement authorities;

"(i) To issue, upon request and publish advisory opinions on the requirements of this Act, based on a real or hypothetical set of circumstances. The written opinion of the State Ethics Commission provided to anyone shall protect such person to whom it is directed from liability to either the state, county, or municipal sub-division of the state because of any official action or actions performed as directed or advised in such opinion.

"(ii) To initiate and continue programs for the purpose of educating candidates, officials, employees and citizens of Alabama on matters of ethics in government service.

"(j) To prescribe, publish and enforce rules and regulations to carry out the provisions of this Act. No such rules and regulations, however, shall be adopted until notice thereof is given by publication at least thirty days prior to the date set for adoption thereof and an opportunity afforded to the public to appear and contest such rules and regulations. The commission is authorized only to make rules and regulations on the subject matter specifically mentioned in this Act.

"(k) After the commission has been organized pursuant to this Act and has prescribed the rules and regulations and adopted and promulgated such rules and regulations, it shall give notice for sixty days prior thereto of the day on which such rules and regulations shall become effective throughout this state and other provisions of this Act shall be thereby implemented.

"(l) No member nor employees of said commission shall make any public statement or give out any information concerning any complaint against any individual until the investigation of said complaint is completed and the commission has taken final action as to the disposition of said complaint. Any member or employee of said commission who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction be sentenced to the county jail for one year or be fined up to \$1,000, or both.

"(m) In all matters that come before the commission concerning a complaint on an individual the laws of due process shall be strictly adhered to.

"SECTION 19.

"(a) Every person employed or retained as a lobbyist shall register by filing a form prescribed by the commission within five (5) days after the first undertaking requiring registration.

"(b) The registration shall be written, verified, and shall contain, but not be limited to, the following information:

"(1) the registrant's full name and address;

"(2) the registrant's normal business and business address;

"(3) the full name and address of the registrant's principal

"(4) a listing of the categories of subject matters on which the registrant is to communicate directly with a member of the legislative or executive branch to influence legislation or executive action;

"(5) if a registrant's activities are done on behalf of the members of a group other than a corporation, the registration form shall include a categorical disclosure of the number of members of the group as follows: 1-5; 6-10; 11-25; over 25;

"(6) a statement signed by the principal(s) that he has or they have read the registration, knows its contents, and has authorized the registrant to be a lobbyist in his or their behalf as specified therein and that no compensation will be paid to the registrant contingent upon passage or defeat of such measure(s).

"(c) A registrant shall file a supplemental registration indicating any substantial change in the information contained in the prior registration within 10 days after the date of the change.

"SECTION 20. Every person registered under Section 18 of this Act and every principal employing such lobbyist shall file with the commission a sworn statement concerning the activities set out in said section. The report must be filed between the 1st and 15th day of each month succeeding a month in which the legislature is in session covering the activities during the previous month. The report shall be written, verified, and contain, but not be limited to, the following information:

"(1) All amounts received or expended directly or indirectly for the purpose of carrying on lobbying activities in the following categories: Less than \$1,000; \$1,000-\$3,000; more than \$3,000; but need not include amounts received by such lobbyist for his personal living expenses nor amounts received which are reportable as income to him for federal tax purposes unless his contract of employment provides that amounts received for such expenses or as such income may or shall be used for carrying on lobbying activities;

"(2) A detailed statement of any money loaned or promised to legislators or to anyone on their behalf;

"(3) A statement detailing the extent of any direct business association or partnership with any current member of the legislature or public official or employee;

"(4) A list of legislation by category supported or opposed by the registrant, by any person retained or employed by the registrar to appear on his behalf, or by any other person appearing on his behalf.

"SECTION 21.

"(a) A person who ceases to engage in activities requiring him to register under Section 18 of this Act shall file a written, verified statement with the commission acknowledging the termination of activities. The notice is effective immediately.

"(b) A person who files a notice of termination under this section must file the reports required under Sections 18 and 19 of this Act for any reporting period during which he was registered under this Act.

"SECTION 22. All reports filed under Sections 18, 19 and 20 of this Act are public records and shall be made available for public inspection during regular business hours.

"SECTION 23. No person, for the purpose of influencing legislation, may

"(1) knowingly or willfully make any false statement or misrepresentation of the facts to a member of the legislative or executive branch; or

"(2) knowing a document to contain a false statement, cause a copy of the document to be received by a member of the legislative or executive branch without notifying such member in writing of the truth.

"SECTION 24. The provisions of Section 18, 19, 20, 21 and 22 shall not be construed as affecting professional services in drafting bills or in advising clients and in rendering opinions as to the construction and effect of proposed or pending legislation where such professional service is not otherwise connected with legislative action.

"SECTION 25. Nothing in the provisions of this Act shall be construed as to deprive any citizen not lobbying for hire of his constitutional right to communicate with members of the Legislature.

"SECTION 26.

"(a) Any person who violates any provision of this Act and is found guilty shall be fined not more than \$10,000 or be imprisoned for not more than 10 years or both.

"(b) All prosecutions for violations of this Act shall be initiated and prosecuted by the attorney general of the state or by the district attorney having jurisdiction of the offense.

"(c) The penalties prescribed in this Act do not limit the power of either house of the legislature to discipline its own members or to impeach public officials, and do not limit the powers of agencies or commissions to discipline their respective officials or employees.

"(d) The circuit courts of this state shall have jurisdiction of all cases and actions relative to violations or the enforcement of this Act; and the venue of any suit or action under this Act shall be in the county of the residence of the defendant.

"(e) Nothing in this Act is intended to, nor is to be construed as repealing in any way the provisions of any of the criminal laws of this state.

"SECTION 27. Any person who knowingly and intentionally files a false complaint with the commission, or any member of the commission who initiates action against any state official, state employee, or any other person covered by this Act, knowing such complaint to be false or inaccurate shall be guilty of the crime of malicious prosecution.

"Whoever is convicted in a court of competent jurisdiction of the crime of malicious prosecution, in addition to any other punishment prescribed by law therefor, shall also be required by court decree to reimburse the person against whom the false complaint was filed for all

of his legal expenses and any other expenses incurred in relation to the accused defending himself against the false complaint. If such complaint is filed within 6 months prior to an election in which the accused's name appears on the ballot, the person filing the false complaint shall pay to the accused the amount set out above, plus an equal amount to the general fund of the state.

"If any person, accused of violating this Article is acquitted upon trial, then such person may, in the discretion of the court or jury, recover in an action at law from the person who brought the charge against him a sum equal to three times the damages thereby caused.

"SECTION 28. No former member of the House of Representatives or the Senate of the State of Alabama shall be extended floor privileges of either body in a lobbying capacity.

"SECTION 29. The Legislature shall appropriate such sums as it deems necessary to implement the provisions of this Act.

"SECTION 30. It is the intention of the Legislature that this bill stand or fall as it is written in its entirety and constitutes the entire legislative intent and action in the field of disclosure. If any section, clause or part of this bill is declared unconstitutional by a court of competent jurisdiction then this bill and the entire Act #1056 of the 1973 Regular Session, p. 1699 be deemed and is declared to be null and void and of no further force or effect, provided, however, that if such becomes null and void because of the foregoing provisions then each member of the house and senate of the Alabama Legislature shall file economic disclosure statements with the Clerk of the House and Secretary of the Senate. Such statements shall contain such information as is mutually agreed upon by the Clerk of the House and the Secretary of the Senate.

"Section 32. It is the legislative intent that regardless of any opinions of any authority other than the Legislature of Alabama that all members of the Ethics Commission and all members of their families and the director of the Ethics Commission and all employees of the Ethics Commission come under the purview of the Ethics Act and the same rules, regulations and penalties shall be effective to them individually and collectively.

"SECTION 33. The provisions of this Act are supplemental. It shall be construed in *pari materia* with other laws dealing with the subject matter hereof.

"SECTION 34. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

SUBSTITUTE TABLED

On motion of Mr. Manley, the substitute offered by Mr. Higginbotham to the substitute offered by Mr. Manley to the bill, H. 240, was tabled.

Yeas 57; Nays 45.

Yeas:

Mr. Speaker, Andrews, Armstrong, Biddle, Boles, Burgess, Callahan, Carothers, Cates, Clark, Coburn, Cooper, Crowe, Edwards, Folmar, Gafford, Glass, Harris, Hilliard, Holley, Holmes, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Lockett, McCluskey,

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McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchell, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Starkey, Trammell, Tucker, Waggoner, Weeks, Williams and Wyatt.

—57

Nays:

Messrs.: Albright, Baker, Barron, Brindley, Campbell, Carter, Crawford, Cross, Dial, Drake, Falkenburg, Ford, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hopping, Howard, Jackson (R), Kelley, Leonard, Lewis, Lutz, McMillan, McNair, Pegues, Reed, Rich, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Sparks, Taylor, Teague, Turnham, Venable, Warren, Whatley and White.

—45

SUBSTITUTE ADOPTED

The question was then on the substitute offered by Mr. Manley to the bill, H. 240, and the substitute was adopted.

Yeas 58; Nays 41.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Burgess, Callahan, Carothers, Cates, Clark, Coburn, Cooper, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Gregg, Harris, Holley, Holmes, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Lee, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Starkey, Trammell, Waggoner, Weeks, White, Williams and Wyatt.

—58

Nays:

Messrs.: Albright, Barron, Brindley, Campbell, Carter, Crawford, Cross, Dial, Drake, Ford, Goodwin, Greer, Hall, Harrison, Higginbotham, Hill, Hilliard, Hopping, Howard, Jackson (R), Kelley, Leonard, Lewis, McMillan, McNair, Pegues, Rich, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Sparks, Taylor, Teague, Tucker, Turnham, Venable, Warren and Whatley.

—41

And the bill:

H. 240. To require state officials and certain state employees to file financial disclosure statements; to prescribe the procedure for filing such statements; to allow inspection of such financial statement; and to prescribe the duties of the Clerk of the House, the Secretary of the Senate and the Secretary of State under the provisions of this Act; to repeal the state ethics law, viz. Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, p. 1699, now appearing in Code of Alabama 1940, Recompiled 1958, Title 55, Section 327 (S) - 327 (39)).

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 45.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Burgess, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crowe, Edwards,

Folmar, Gafford, Glass, Harris, Holley, Holmes, Jackson (F), Johnstone, Jolly, Kennedy, Killian, LeFlore, Lockett, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Starkey, Trammell, Waggoner, Weeks, White, Williams and Wyatt.

—54

Nays:

Messrs.: Albright, Barron, Brindley, Callahan, Campbell, Crawford, Cross, Dial, Drake, Falkenburg, Ford, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Hopping, Howard, Jackson (R), Johnson, Kelley, Leonard, Lewis, Lutz, McMillan, McNair, Pegues, Rich, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Sparks, Taylor, Teague, Tucker, Turnham, Venable, Warren and Whatley.

—45

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Dial removed as co-sponsor to the bill, H. 240.

H. 127 AGAIN TAKEN UP

Having been temporarily carried over, the bill, H. 127 as amended, was again taken up.

SUBSTITUTE OFFERED

Messrs. Turnham and Whatley offered the following substitute to the bill, H. 127 as amended:

A BILL TO BE ENTITLED AN ACT

Be It Enacted by the Legislature of Alabama:

Section 1. Any bona fide resident of the State of Alabama who is 65 years of age or older shall be exempt from paying any tuition at any state institution of higher learning. But shall pay any shop and lab fees including student activities fees or other fees of this nature.

Section 2. Provided that these exempt students shall be admitted on a space available basis only.

Section 3. Provided further that credit hours earned by these exempt students shall not count toward full time equivalent student units for the purpose of appropriations.

Section 4. Also that this bill does not apply to medical, veterinary, and law schools.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO ADJOURN LOST

The motion offered by Mr. Martin that the House adjourn until 10:30 o'clock a. m., Thursday, June 19, 1975, was lost.

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Yeas 45; Nays 52.

Yeas:

Mr. Speaker, Biddle, Brindley, Callahan, Carter, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Ford, Glass, Goodwin, Harris, Harrison, Higginbotham, Hilliard, Hopping, Jackson (R), Jolly, Kelley, Kennedy, Lewis, Lockett, McCluskey, McNair, McNeese, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Plaster, Quarles, Rich, Roberts, Sandusky, Sparks, Tucker, Warren, Weeks and Williams.

—45

Nays:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Boles, Campbell, Carothers, Cates, Clark, Cooper, Falkenburg, Gafford, Greer, Gregg, Hall, Hill, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Killian, Lee, LeFlore, Leonard, Lutz, McCulley, McMillan, Malone, Moore (O), Morris, Pegues, Reed, Riddick, Robertson, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Whatley, White and Wyatt.

—52

MOTION TO ADJOURN

Mr. Starkey offered the motion that the House adjourn until 10:00 o'clock a. m., Thursday, June 19, 1975.

SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. Turnham that the House adjourn until 11:00 o'clock a. m., Thursday, June 19, 1975, was lost.

Yeas 41; Nays 57.

Yeas:

Mr. Speaker, Burgess, Callahan, Carter, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Ford, Glass, Goodwin, Hall, Harris, Harrison, Hopping, Jackson (F), Kennedy, Lewis, Lockett, McCluskey, McNair, McNeese, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Pegues, Reed, Roberts, Sparks, Starkey, Taylor, Teague, Tucker, Warren, Weeks and Williams.

—41

Nays:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Cates, Clark, Cooper, Falkenburg, Gafford, Greer, Gregg, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Howard, Jackson (R), Johnson, Johnstone, Kelley, Killian, Lee, LeFlore, Leonard, Lutz, McCulley, McMillan, Malone, Moore (O), Naramore, Plaster, Quarles, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Trammell, Turnham, Venable, Waggoner, Whatley, White and Wyatt.

—57

H. 127 RESUMED

The question was then on the substitute offered by Messrs. Turnham and Whatley to the bill, H. 127 as amended, and the substitute was adopted.

Yeas 65; Nays 31.

Yeas:

Mr. Speaker, Andrews, Baker, Boles, Brindley, Callahan, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, LeFlore, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Plaster, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (M), Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—65

Nays:

Messrs.: Armstrong, Barron, Biddle, Burgess, Campbell, Carothers, Clark, Falkenburg, Ford, Harrison, Hill, Hilliard, Holley, Jackson (F), Kelley, Lee, Leonard, Lewis, Lockett, McMillan, McNair, Moore (W), Morris, Naramore, Owens, Pegues, Quarles, Riddick, Shelton, Sonnier and Williams.

—31

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Tucker added as co-sponsor to the bill, H. 127.

AMENDMENT OFFERED

Mr. Rich offered the following amendment to the bill, H. 127 as amended:

Amend the substitute for House Bill No. 127, section 4, line 21 after the word schools insert a comma and add the following:

“or anyone 65 years of age or older with a gross income of \$7,500 or more in the previous year, as determined by the amount shown on certified copies of tax returns for the year.

MOTION TO TABLE LOST

The motion offered by Mr. Turnham to table the amendment offered by Mr. Rich to the bill, H. 127 as amended, was lost.

Yeas 32; Nays 56.

Yeas:

Messrs.: Albright, Andrews, Baker, Brindley, Cates, Cooper, Crawford, Cross, Drake, Goodwin, Hall, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Kennedy, McCulley, McNees, Malone, Martin, Quarles, Reed, Sasser, Smith (C), Smith (J), Smith (M), Turnham, Warren, Weeks and Williams.

—32

Nays:

Messrs.: Armstrong, Barron, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Folmar, Ford, Gafford, Greer, Gregg, Harrison, Hill, Hilliard, Hines, Holley, Johnson, Kelley, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich,

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Riddick, Roberts, Robertson, Sandusky, Smith (B), Sonnier, Sparks, Starkey, Taylor, Tucker, Venable, Waggoner, Whatley, White and Wyatt.

—56

MOTION TO ADJOURN

Mr. Burgess offered the motion that the House adjourn until 11:30 o'clock a. m., Thursday, June 19, 1975.

SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. Martin that the House adjourn until 10:00 o'clock a. m., Thursday, June 19, 1975, was lost.

Yeas 25; Nays 70.

Yeas:

Mr. Speaker, Biddle, Coburn, Crawford, Drake, Ford, Goodwin, Hall, Harrison, Jackson (F), Kelley, Kinsey, Lewis, Lockett, Martin, Mitchem, Morris, Naramore, Owens, Roberts, Sparks, Starkey, Teague, Warren and Williams.

—25

Nays:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Higginbotham, Hill, Hilliard, Holley, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Kennedy, Killian, Lee, LeFlore, Leonard, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Merrill, Moore (O), Pegues, Plaster, Quarles, Reed, Rich, Riddick, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Taylor, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White and Wyatt.

—70

MOTION TO ADJOURN LOST

The motion offered by Mr. Burgess that the House adjourn until 11:30 o'clock a. m., Thursday, June 19, 1975, was lost.

Yeas 46; Nays 56.

Yeas:

Mr. Speaker, Biddle, Burgess, Callahan, Carter, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Ford, Glass, Goodwin, Hall, Harrison, Hopping, Jackson (F), Jolly, Kelley, Kennedy, Kinsey, Lewis, Lockett, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Owens, Pegues, Reed, Roberts, Shelton, Sparks, Starkey, Teague, Tucker, Warren, Williams and Wyatt.

—46

Nays:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carothers, Cates, Clark, Cooper, Dial, Falkenburg, Folmar, Gafford, Greer, Gregg, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Howard, Jackson (R), Johnson, Johnstone, Killian, Lee, LeFlore, Leonard, Lutz, McCulley, Malone, Moore (O), Naramore, Plaster, Quarles,

Rich, Riddick, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Taylor, Turnham, Venable, Waggoner, Weeks, Whatley and White.

—56

H. 127 RESUMED

The question was then on the adoption of the amendment offered by Mr. Rich to the bill, H. 127 as amended, and the amendment was adopted.

Yeas 81; Nays 15.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Lee, LeFlore, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—81

Nays:

Messrs.: Andrews, Brindley, Cates, Cross, Falkenburg, Hines, Hopping, Jackson (R), Lewis, McNair, Morris, Plaster, Sasser, Smith (J) and Warren.

—15

MOTION TO ADJOURN LOST

The motion offered by Mr. Warren that the House adjourn until 11:00 o'clock a. m., Thursday, June 19, 1975, was lost.

Yeas 32; Nays 63.

Yeas:

Messrs.: Burgess, Carter, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Ford, Goodwin, Hopping, Jackson (F), Kelley, Kennedy, Lewis, Lockett, McCluskey, McNair, McNeas, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Owens, Pegues, Shelton, Sparks, Teague, Warren and Williams.

—32

Nays:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Cooper, Falkenburg, Folmar, Gafford, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Howard, Jackson (R), Johnson, Johnstone, Jolly, Killian, Lee, LeFlore, Leonard, Lutz, McCulley, McMillan, Malone, Moore (O), Naramore, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White and Wyatt.

—63

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MOTION TO ADJOURN LOST

The motion offered by Mr. Coburn that the House adjourn until 12:00 o'clock noon, Thursday, June 19, 1975, was lost.

Yeas 37; Nays 56.

Yeas:

Mr. Speaker, Biddle, Carter, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Ford, Goodwin, Harrison, Hopping, Jackson (F), Kelley, Kennedy, Kinsey, Lewis, Lockett, McCluskey, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Owens, Pegues, Quarles, Roberts, Sasser, Shelton, Sparks, Warren and Williams.

—37

Nays:

Messrs.: Albright, Andrews, Baker, Barron, Callahan, Campbell, Carothers, Cates, Clark, Dial, Folmar, Gafford, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Howard, Jackson (R), Johnson, Johnstone, Jolly, Killian, Lee, LeFlore, Leonard, Lutz, McCulley, McMillan, Malone, Moore (O), Naramore, Plaster, Reed, Rich, Riddick, Robertson, Sandusky, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Weeks, Whatley, White and Wyatt.

—56

H. 127 RESUMED

MOTION TO POSTPONE TABLED

On motion of Mr. Turnham, the motion offered by Mr. Pegues that the bill, H. 127 as amended, be postponed to the eleventh legislative day was tabled.

Yeas 45; Nays 40.

Yeas:

Messrs.: Albright, Andrews, Baker, Carothers, Cates, Coburn, Cooper, Crawford, Folmar, Gafford, Goodwin, Gregg, Hall, Harris, Higginbotham, Hines, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Killian, LeFlore, Leonard, McCulley, McMillan, McNees, Malone, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (M), Taylor, Tucker, Turnham, Venable, Warren, Weeks, Williams and Wyatt.

—45

Nays:

Mr. Speaker, Armstrong, Barron, Biddle, Campbell, Clark, Cross, Drake, Ford, Hill, Hilliard, Holley, Jackson (R), Kelley, Kennedy, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McNair, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Quarles, Robertson, Shelton, Smith (B), Sonnier, Sparks, Waggoner, Whatley and White.

—40

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Mr. Burgess that the bill, H. 127 as amended, be indefinitely postponed was lost.

Yeas 37; Nays 57.

Yeas:

Messrs.: Armstrong, Barron, Burgess, Campbell, Carothers, Clark, Cross, Ford, Greer, Gregg, Hill, Hilliard, Holley, Jolly, Kelley, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McNair, Martin, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Quarles, Riddick, Robertson, Sandusky, Shelton, Smith (B), Smith (C) and White.

—37

Nays:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Callahan, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Hall, Harris, Harrison, Higginbotham, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Kennedy, Killian, LeFlore, Leonard, McCulley, McMillan, McNees, Malone, Manley, Moore (O), Plaster, Reed, Rich, Roberts, Sasser, Smith (M), Sonnier, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—57

AMENDMENT OFFERED

Mr. Ford offered the following amendment to the bill, H. 127 as amended:

Delete Section 3 and renumber the following sections respectively.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 67; Nays 23.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Kelley, Kennedy, Killian, LeFlore, Leonard, Lewis, McCulley, McNees, Malone, Manley, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Waggoner, Warren, Whatley, White and Williams.

—67

Nays:

Messrs.: Albright, Barron, Carothers, Gregg, Hall, Higginbotham, Hilliard, Jackson (R), Jolly, Kinsey, Lee, McCluskey, McMillan, McNair, Martin, Naramore, Riddick, Smith (B), Sonnier, Tucker, Venable, Weeks and Wyatt.

—23

SUBSTITUTE OFFERED

Mr. Lutz offered the following substitute to the bill, H. 127 as amended:

8th Day

A BILL
TO BE ENTITLED
AN ACT

To provide that any bona fide citizen of the state who is under 17 years of age shall be exempt from paying any tuition at any state supported institution of higher learning.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bona fide resident of the State of Alabama who is under 17 years of age shall be exempt from paying any tuition at any state institution of higher learning.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Mr. Turnham, the substitute offered by Mr. Lutz to the bill, H. 127 as amended, was tabled.

Yeas 61; Nays 23.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Dial, Falkenburg, Folmar, Ford, Gafford, Goodwin, Gregg, Hall, Higginbotham, Hines, Holley, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Kennedy, Killian, LeFlore, Leonard, McCulley, McMillan, McNees, Malone, Mitchem, Moore (O), Owens, Plaster, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks and Whatley.

—61

Nays:

Messrs.: Carothers, Clark, Crawford, Cross, Greer, Hill, Hilliard, Kinsey, Lee, Lewis, Lockett, Lutz, McNair, Manley, Martin, Moore (W), Morris, Pegues, Riddick, Robertson, Shelton, White and Williams.

—23

MOTION TO ADJOURN

Mr. Falkenburg offered the motion that the House adjourn until 10:30 o'clock a. m., Thursday, June 19, 1975.

SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. Turnham that the House adjourn until 2:00 o'clock p. m., Thursday, June 19, 1975, was lost.

MOTION TO ADJOURN LOST

The question was then on the motion offered by Mr. Falkenburg that the House adjourn until 10:30 a. m., Thursday, June 19, 1975, and the motion was lost.

H. 127 RESUMED

Mr. Hill offered the following amendment to the bill, H. 127 as amended:

Amend Section 1, line 24 by adding following the words "65 years of age or older" and before the words "shall be exempt" the following:

"and any bona fide resident of the State of Alabama who has been determined to be disabled under the Social Security Act or Alabama Workmen's Compensation Act."

AMENDMENT TABLED

On motion of Mr. Turnham, the amendment offered by Mr. Hill to the bill, H. 127 as amended, was tabled.

Yeas 61; Nays 18.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Folmar, Ford, Goodwin, Gregg, Hall, Holley, Holmes, Hopping, Howard, Johnstone, Kennedy, Killian, LeFlore, Leonard, Lutz, McCulley, McMillan, McNees, Malone, Manley, Mitchem, Moore (O), Owens, Pegues, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Taylor, Tucker, Turnham, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—61

Nays:

Messrs.: Barron, Burgess, Clark, Crowe, Greer, Hill, Hilliard, Kinsey, Lee, Lewis, Lockett, McCluskey, McNair, Martin, Merrill, Shelton, Sparks and Venable.

—18

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolution hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:25 P. M. On June 17, 1975.

H. J. R. 84.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Mr. Armstrong, the House adjourned until 1:00 o'clock p. m., Thursday, June 19, 1975.

Yeas 48; Nays 45.

Yeas:

Mr. Speaker, Armstrong, Barron, Biddle, Burgess, Campbell, Carter, Coburn, Cross, Crowe, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Hall, Harris, Hilliard, Hopping, Jackson (R), Kelley, Kennedy, Kinsey, Leonard, Lewis, Lockett, McCluskey, McNair, McNees, Manley,

8th Day

Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Quarles, Roberts, Shelton, Sparks, Taylor, Trammell, Tucker, Waggoner, Warren and White.

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Nays:

Messrs.: Albright, Andrews, Baker, Boles, Brindley, Callahan, Carothers, Cates, Clark, Cooper, Crawford, Folmar, Greer, Gregg, Higginbotham, Hill, Hines, Holley, Holmes, Howard, Johnstone, Killian, Lee, LeFlore, Lutz, McCulley, McMillan, Malone, Naramore, Plaster, Reed, Riddick, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Teague, Turnham, Venable, Whatley and Williams.

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NINTH DAY

House of Representatives

Montgomery, Alabama

Thursday, June 19, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Levi Sides, Capitol Heights Church of Christ, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the eighth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighth legislative day was approved.

BILLS ON SECOND READING

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 512. (With Substitute): To amend Sections 36 and 38, as amended, of Title 53, Code of Alabama 1940, being Sections 9 and 11 of Act No. 542, Regular Session 1959, pp. 1335 et. seq. which regulate transactions in securities in Alabama so as to resolve an ambiguity and make it clear that Alabama Credit Unions are entitled to the same exemptions enjoyed by banks, savings and loan associations and trust companies.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 513. (With Substitute) (With Amendment): To amend sections 282, 283, 284, 285, 287, 289, 292, 295 as amended, 297 and 300 of Title 28, Code of Alabama 1940, and Section 2 of Act No. 603, Regular Session 1962 (Acts of 1962, p. 862), as amended by Act No. 221, Regular Session 1967 (Acts of 1967, p. 589) (now appearing as Section 287, (3), Title 28, Code of Alabama 1940, as Recompiled 1958), all of which provide for credit unions in Alabama, so as to provide for supervision by the superintendent of banks, to provide further for examination fees, to provide further duties for the supervisory committee, and to provide for a policy as concerns loans to directors and officers.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 94. (With Substitute): Proposing an amendment to the Constitution of Alabama relating to the travel expenses to be paid members of the legislature.

The above bill was read a second time at length as required by the Constitution.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 390. Proposing an amendment to Article 4, Section 106 of the Constitution of Alabama to reduce the time required for publication of notice of local legislation and also dispensing with the requirement of spreading notice and proof of local legislation on the journals of each house by providing that the Clerk of the House or the Secretary of the Senate shall merely certify in the appropriate journal that notice

and proof was attached to the local legislation and is attached as a matter of public record to the original copy of the bill filed in the Department of Archives and History.

The above bill was read a second time at length as required by the Constitution.

H. 393. Proposing an amendment to the Constitution of Alabama relative to the election, qualifications, powers, duties, and tenure of the state superintendent of education.

The above bill was read a second time at length as required by the Constitution.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 769. (With Amendment): To create a Board of Trustees to manage, control, and maintain Alabama Agricultural and Mechanical University at Huntsville; to prescribe the powers, duties, authority, and compensation of the board; to provide for the appointment and prescribe the terms of office of members thereof; to divest the State Board of Education of all jurisdiction, power and authority with respect to the supervision, management and control of said university; and to provide for the transfer from said State Board of Education to the Board of Trustees of Alabama Agricultural and Mechanical University all supplies, funds, books, documents, records, and other property or effects of such University.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 814. To permit the State Board of Education, through the State Superintendent of Education, to enter into an interstate agreement known as the "Interstate Agreement on Qualification of Educational Personnel" for the purpose of establishing cooperative arrangements with other states for persons to meet teacher certification requirements.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 523. (With Amendment): To amend Act No. 298, H. 32, 1959 Regular Session (Acts 1959, p. 871; now appearing in Code of Alabama Recompiled 1958, Title 52, Section 103 (1)), relative to election of county superintendents of education to provide that no person residing outside the jurisdiction of such superintendent shall vote in the elections thereof.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 524. To amend Title 52, Section 63, Code of Alabama 1940, so as to provide that only those qualified voters residing in the area

served by the school board members shall be eligible to vote in the election of the members of that school board.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 498. Relating to State Government administration; abolishing the Fort Morgan Historical Commission and transferring to the Department of Conservation and Natural Resources, Division of State Parks all the powers and duties of said Commission and further transferring all assets, materials, supplies and employees to the said Division of State Parks; to provide for the expenditure of funds for the operation and maintenance of said facility. To abolish the offices of Secretary and Historian and Assistant Secretary, Fort Morgan Historical Commission; to specifically repeal all portions of Act Number 204, Acts of Alabama 1955, p. 497, as amended, which conflict with the provisions of this Act.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 484. (With Substitute): To amend Title 8, Section 39, Code of Alabama 1940, as amended, pertaining to annual non-resident fishing licenses, so as to require said license if a non-resident desires to fish in any fresh water, whether public or private, in this state; to amend Title 8, Section 40, Code of Alabama 1940, as amended, pertaining to non-resident trip fishing licenses, so as to require a nonresident to have said license in order to fish in any fresh water, whether public or private, in this State; and to amend Title 8, Section 41, Code of Alabama 1940, as amended, pertaining to the penalty for fishing without a license, so as to make it unlawful to fish in any water in this state without the appropriate license.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 706. To amend Act No. 751, Acts of Alabama, 1965 Regular Session, relating to the cost of purchasing non-resident hunting licenses.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 117. (With Substitute): To authorize incorporated municipalities of this state to discontinue all utility services to any of their customers or subscribers in the event of delinquency of payment for charges or fees for one or more utility services.

H. 316. (With Substitute): To amend Act No. 246, Page 203, Acts of 1943, which relates to the investment of funds of counties, cities and towns so as to provide that a savings and loan association, organized either under the laws of the State of Alabama or of the United States may be appointed as a depository of municipal or county funds.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 318. To further amend Section 4, Title 12, Code of Alabama 1940, as amended, so as to provide that a savings and loan association, organized either under the laws of the State of Alabama or of the United States, may be appointed as a depository for county funds.

H. 444. To require a notification procedure for the issuance by counties, cities, towns, municipalities and public corporations of industrial revenue bonds under Act No. 178 enacted at the 1961 Extra Session of the Alabama Legislature (1961 Acts, p. 2147, et seq.), as amended (relating to industrial revenue bonds to be issued by counties), Act No. 756, enacted at the 1951 Regular Session of the Alabama Legislature (1951 Acts, p. 1307, et seq.) as amended (relating to industrial revenue bonds to be issued by municipalities), Act No. 648, enacted at the 1949 Regular Session of the Alabama Legislature (1949 Acts, p. 991, et seq.) as amended (relating to industrial revenue bonds to be issued by industrial development boards), Act No. 516, enacted at the 1955 Regular Session of the Alabama Legislature (1955 Acts, p. 1160, et seq.) as amended (relating to industrial revenue bonds to be issued by medical clinic boards), Act No. 4, enacted at the 1956 Second Special Session of the Alabama Legislature (1956 Acts, p. 240, et seq.), as amended (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337 enacted at the 1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotels and motels projects), to provide, in addition to their present functions and duties, the functions and duties of the Alabama Securities Commission and its Director (established under Act No. 740 enacted at the 1969 Regular Session of the Alabama Legislature, Acts of 1969, p. 1316, et seq. with respect to such industrial revenue bonds, to establish and provide for the membership, functions and duties of the State Industrial Revenue Bond Advisory Council; to authorize the issuance of stop orders by the Alabama Securities Commission and/or the Director delaying or prohibiting the issuance of industrial revenue bonds; to provide for certificates of formal compliance by the Director, the effect of such certificate, and a remedy for failure or refusal of the Director to issue such certificate; to provide criminal penalties for willful violations of this act or stop orders issued thereunder; and to provide relief from stop orders of the Director by readoption by the governing body of the issuer of the authorizing proceedings or by judicial validation under Title 7, Section 169, et seq., Alabama Code of 1940, as amended (relating to the judicial validation of securities issued by counties, cities and towns) and Act No. 859 of the 1953 Regular Session of the Alabama Legislature (Acts of 1953, p. 1148, et seq. (relating to the judicial validation of securities issued by boards and public corporations) and as supplemented in this act for proceedings hereunder, and relief from stop orders of the Council by such judicial validation.

H. 477. To amend Section 1 of Act 2228, Regular Session of the Alabama Legislature, Volume 5, page 3585, Acts of Alabama 1971, which act provides alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

H. 619. To further amend Section 1 of Act No. 81, H. 76, 1967 Special Session (Acts of 1967, p. 114, now appearing in Code of Alabama, Recompiled 1958, as Title 13, Section 125 (79a)) so as to provide that the secretary of the district attorney for the nineteenth judicial circuit of Alabama shall be paid the same salary as that of the top step position for a clerk stenographer three in state service.

H. 762. To further amend Section 440, Title 37, Code of Alabama 1940, as amended, so as to remove the existing statutory ceiling on the salary of the mayor in municipalities organized and operating under the council form of government.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 630. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama.

H. 654. Further relating to commercial fishing in public waters in all counties having populations of not less than 115,000 nor more than 150,000; to authorize and provide for a commercial fisherman's helper for certain such fishermen; to provide for the issuance of permits for such helpers; to prescribe the fees for such permits; to provide for their collection and distribution; and to prescribe penalties for violations of this act.

H. 757. To alter rearrange and extend the boundary lines and corporate limits of the Town of Goshen, in the County of Pike and State of Alabama; providing for the exemption from ad valorem taxation of farm lands annexed by this Act; and prescribing the time when this Act shall become effective.

H. 803. To amend Sections 6, 7 and 10 of Act No. 727, H. 1714, 1973 Regular Session (Acts of 1973, p. 1086) relating to Bibb County so as to provide further for the method of compensation of the probate judge and his assistants, the assistants of the circuit clerk and to change the effective date as to the probate judge and his assistants to July 1, 1975.

H. 804. Relating to Bibb County; fixing the fee for issuance of a pistol permit by the sheriff and providing for the disposition and use of such fees.

H. 805. To amend Act No. 869, H. 1197, 1969 Regular Session (1969 Acts, p. 1579), which act provides for an expense allowance for the members of the board of education in Bibb County, so as to provide further for such expense allowance.

H. 806. Relating to Bibb County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

H. 807. Relating to Bibb County; providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations.

H. 808. Relating to Bibb County; prescribing additional fees for certain services rendered by the judge of probate of Bibb County; providing for the payment of such fees into the county general fund; providing that the provisions of this act shall be effective July 1, 1975.

H. 809. To provide that the clerk of the Circuit Court of Bibb County shall be entitled to certain warrant fees in addition to any other compensation or allowances heretofore provided by law.

H. 810. Relating to Bibb County; to require the county commission to establish a county-wide personnel and merit system under the supervision of the State Personnel Department.

H. 811. Relating to Randolph County; providing for a stenographic secretary for the tax assessor and tax collector.

H. 812. To provide for the compensation of jurors in Randolph County.

H. 833. To amend further Act No. 273, S. 292, approved August 7, 1947, (1947 Local Acts, p. 196), as amended and as last amended, which is designated "The Civil Service Act of Dothan".

H. 835. To allow the county commissioners of all counties having populations of not less than 24,900 nor more than 25,150 inhabitants according to the most recent federal decennial census, to hire cooks and maids for the county jail to be paid out of the general funds of the county; and to make the provisions of this act retroactive.

H. 837. Relating to all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; to provide for an additional secretarial assistant for the office of the district attorney of the judicial circuit in which such county lies.

H. 838. To further amend Act No. 103, H. 372, Regular Session 1963 (Acts 1963, V. 1, p. 486) an Act fixing the compensation of the Walker County Superintendent of education.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 51. To Amend Sections 10 and 11 of Article VI of Act No. 1272 of the 1973 Regular Session of the Legislature of Alabama, approved September 18, 1973 (which amended in entirety Act No. 929 of the 1951 Regular Session of the Legislature, page 1579, et seq., as amended) which Act No. 1272 provides for a general pension system for salaried employees in each city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census, and for employees of the county board of health, civil defense agency and civic center, so as to provide in Sections 10 and 11 survivor benefits for the widows and children of retirees and employees.

H. 60. Relating to counties having populations of 600,000 or more according to the most recent federal decennial census; to regulate further the taking of fish from public streams and impounded waters in such counties; authorizing the taking of nongame fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this act.

H. 121. To provide for the appointment, duties and Compensation of Twenty-one Deputy District Attorneys in the Tenth Judicial Circuit of Alabama, Birmingham Division.

H. 123. To amend the title and Section 1 of Act No. 302, S. 394, approved August 27, 1915 (Acts 1915, p. 322), creating an election commission for certain cities classified on a population basis, and to provide further for the composition of such commission.

H. 133. To amend Section 6 of Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 entitled "An Act To provide a separate retirement and relief system for certain of the presently active employees of the City of Birmingham who entered the service of the police department of said city prior to September 19, 1939, and to whom is applicable the pension and relief system provided by Act No. 502 of the Regular Session of the Legislature of 1923, as reenacted and amended; to include in said separate system dependents of said presently active employees; and to render said Act No. 502 inapplicable to said certain presently active employees and their dependents."

H. 270. To amend Section 6 of Act No. 217 of the 1966 Special Session of the Legislature of Alabama approved August 30, 1966 (Acts of Alabama, 1966, Special Session Page 280 et seq.) Entitled "An Act to Provide A Separate Retirement and Relief System For Certain Of The Presently Active Employees Of The City Of Birmingham Who Entered The Service Of The Fire Department Of Said City Prior to September 19, 1939, And To Whom Is Applicable The Pension and Relief System Provided By Act No. 307 Of The 1943 Regular Session Of The Legislature Of Alabama, as Amended, And Act Number 22 Of The Second Special Session Of The Legislature Of Alabama Of 1956, To Include In Said Separate System Dependents Of Said Presently Active Employees; And To Render Said Act No. 307 and Act Number 22 Inapplicable To Said Certain Presently Active Employees And Their Dependents."

H. 323. To alter, rearrange and extend the boundary lines and corporate limits of the City of Gardendale, in Jefferson County.

H. 324. Relating to any county having a population of 600,000 or more inhabitants, according to the most recent decennial census; providing that all members of the public school boards of education in said county shall reside within the area over which the particular school system has jurisdiction; and providing that present members shall not lose their position and may be reelected.

H. 384. Pursuant to provisions of Section 155, Article VI of the Constitution of Alabama as amended (Section 6.16 of Amendment CCCXXVIII, proclaimed December 27, 1973), this bill creates and provides for Supernumerary-Retired Probate Judges in counties having a population of 600,000 and over, according to the last or any subsequent federal census, similar to and equal with provisions of law for Circuit Judges in such counties, and provides for continuation of service; creates and establishes the Probate Judges Retirement Fund in such counties for the purpose of providing for the payment of retirement and disability benefits for such judicial officers; prescribing the qualifications, term, duties, powers, authority, compensation and benefits of any such county Supernumerary-Retired Probate Judge of such counties; providing for payment of contributions into such fund by any eligible probate judge and for payments out of the county general fund or from fees and commissions collected by the probate court and paid into the county general fund. It provides for carrying out the provisions of this Act, and regulates the administration and supervision thereof.

H. 411. To provide for the release of inmates of the city jail at the discretion of the judge of recorders court at the time of sentencing, or at the discretion of the mayor of the city at any time during the

term of the sentence of such inmates, for the purpose of allowing such inmates to work at gainful employment during the term of sentence, or for the purpose of allowing an inmate to further his education; to provide for the administration of the work release program provided by this Act; to provide for the adoption of rules, regulations and policies governing the release of inmates for work and educational release; to provide for the adoption of rules and regulations concerning the disbursement and deposit of earnings of inmates participating in the work release program.

H. 527. To further amend Act No. 22 of the Second Special Session of 1956, approved March 23, 1956 (Ala. Acts, Special Sessions of 1956, Page 290 et seq.), as heretofore amended, relating to deductions from salary and rights and benefits and pensions and relief of members and former members of the Fire Department of the City of Birmingham and their existing and former dependents under Act No. 307 of the Regular Session of the Legislature of Alabama of 1943, approved June 28, 1943 (General Acts Alabama 1943, Page 264) and the predecessors of said Act.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 145. (With Amendments): Relating to litigation against insurance companies founded upon insurance policies; requiring the inclusion of a provision in each insurance policy hereafter issued that the insurer will pay a reasonable sum as fees for compensation for attorneys prosecuting the cause in any judgment rendered against the insurer and in favor of the beneficiary or insured; to provide certain limitations on the application of this act.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 660. To name the gymnasium at George C. Wallace State Community College after Mrs. Annie Lee Cherry.

H. 273. To amend Act No. 627, H. 1019, 1965 Regular Session (Acts 1965, p. 1142, now appearing in Code of Alabama, Recompiled 1958, Title 38, Section 135) entitled "An Act Relating to the development of the Elk River Watershed area; creating the Elk River Development Agency as an agency of the State of Alabama for such purpose; prescribing its authority, powers, duties, functions, and management; authorizing the agency to issue bonds, and the counties of Lauderdale and Limestone and municipalities therein to contribute funds and levy taxes for its use.

H. 772. To amend Title 33, Section 37, Code of Alabama, 1940 which declares and sets forth the Mechanics and Materialman's lien, so as to include Land Surveying and Engineering Services under the provisions of this lien statute.

H. 674. To amend Section 1 of Act No. 1289, S. 723, Regular Session 1973 (Acts 1973, p. 2201-2202, now appearing in Code of Alabama, Recompiled 1958, Title 36, Section 64), as amended, so as to increase

the cost of a temporary instruction or learner's permit for driving to one dollar; to extend the use of this permit to one year; and to increase the cost for the fifteen year old instruction permit to one dollar.

H. 675. To amend Section 7 of Act No. 703, H. 544, 1951 Regular Session (Acts of Alabama, 1951, Vol. II, p. 1211), relating to the authority of the county boards of pensions and security to appoint county directors so as to make the appointing of county directors a joint responsibility of the commissioner of the state department of pensions and security and the county boards and to prohibit transfer of a county director without his consent.

H. 767. To provide for a users fee to be paid by each registered land surveyor and professional engineer and to deposit said fees in the State Treasury to the credit of the Land Surveys Fund; to provide for the expenditure of said monies; and to make an appropriation.

H. 768. To provide for a fee to be paid for filing or recording any instrument conveying real estate or any interest therein and for such fee to be forwarded to the State Treasurer; to provide for the disposition of said funds by the State Treasurer; to provide that all funds paid out by the State Treasurer shall be budgeted and allotted; and further providing that any monies in the Land Surveys Fund in excess of \$100,000.00 at the end of any state fiscal year shall be transferred into the General Fund of the State.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 88. (With Amendment): To amend Sections 1, 6 & 9 of Act No. 217, Senate 23, page 259, Volume 1, Acts of Alabama 1967, enacted at the 1967 Special Session of the Legislature of Alabama, as amended, relating to competitive bidding and the expenditure of public funds; to authorize cooperative purchasing among local purchasing agencies.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 478. To require permits for organized field trials to be issued by the Commissioner of Conservation and Natural Resources; to provide that persons may participate in organized field trials without a hunting license provided no guns are used or any game animal or bird taken or killed in the process of such field trials; except weapons with blank ammunition may be used in field trials for bird dogs; and to provide a penalty.

H. 822. To exempt certain persons from jury duty during any regular or special session of the legislature.

H. 776. To amend Section 8 of Act No. 492, General Acts of Alabama, 1947, relating to and regulating contracts for public works, so as to give the awarding authority twenty-one days in which to complete execution of a contract.

H. 787. To amend Act No. 284 of the 1963 Regular Session of the Legislature "relating to contractors bidding on highway work sub-

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mitting a check or bid bond with their bid as a proposal guaranty" to increase the maximum amount of the certified check or bid bond which a bidder on highway work must submit.

H. 508. To amend section 377 of Title 51, Code of Alabama 1940, which relates to the rate of tax for income tax purposes so as to provide separate rate schedules for single persons or married persons filing separately and for married persons filing jointly; to amend further section 385(4) of Title 51, Code of Alabama 1940, to increase the optional standard deduction to 15 percent of adjusted gross income or \$1,500.00, whichever is lesser, for single persons, including head of family, or married persons filing separate returns, and 15 percent of adjusted gross income or \$3,000.00, whichever is lesser, for married persons filing joint returns; to amend further section 388 of Title 51, Code of Alabama 1940, to provide that if married persons elect to file separate returns each must claim a personal exemption of \$1,500.00; to amend further section 424(2) of Title 51, Code of Alabama 1940, to conform the withholding of tax from the wages of an employee by an employer to the rate schedules proposed in section 377 and the optional standard deduction proposed in section 385(4).

H. 763. To authorize and provide for the deduction and withholding of dues to the Alabama State Employees' Association from the salaries of state employees who authorize such deductions.

H. 831. To name the gymnasium at DeArmanville Junior High School of Calhoun County for Hugh D. Carter.

H. 832. To name the library at White Plains High School of Calhoun County for Mr. Eston R. Cobb.

H. 713. To create a board of trustees to manage, control and maintain Alabama State University; to prescribe the powers, duties, authority, and compensation of the board; to provide for the appointment and prescribe the terms of office of members thereof; to divest the State Board of Education of all jurisdiction, power and authority with respect to the supervision, management and control of said university; and to provide for the transfer from said state board of education to the board of trustees of Alabama State University all supplies, funds, books, documents, records and other property or effects of such university.

H. 777. To amend Section 6, Act No. 160, H. 59, 1971 Third Special Session of the Legislature (Acts 1971, Vol. V, page 4404), as amended, to further set the standards and responsibilities for appraisers inspecting real property and improvements for purposes of evaluation, and to provide certain rights of the occupants and owners of such property.

H. 816. To name a certain building at Snead State Junior College.

H. 815. To amend further Title 46, Sections 71 and 73, Code of Alabama 1940, relating to the state licensing board for general contractors; so as to increase the amount of the funds deposited in the state treasury to the credit of such licensing board that the board may retain, and increase application and renewal fees.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 98. To appropriate revenues to the state highway department, to set priorities for the obligation of these funds, and to repeal Act No. 90, S. 66, approved May 11, 1971, entitled "An Act to make appropriations for the operation and maintenance of the State Highway Department, for payment of the principal of and interest on bonds heretofore or hereafter issued for public highway and bridge purposes by the State, Alabama Highway Authority or Alabama Highway Finance Corporation, for salaries, other expenses, equipment purchases, automotive equipment purchases, and for the construction and maintenance of public highways and bridges in the State, which are a part of the State Highway System; and to make conditional allocations to Cities and Counties for construction, reconstruction, and improvement of public roads and bridges."

H. 336. To provide that a retired member of the Teachers' Retirement System of Alabama may earn up to \$4,800 from any source without affecting their retirement pay.

H. 335. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the issuance of not exceeding \$7,000,000 principal amount of General Obligation Bonds of the State of Alabama for the acquisition, construction, equipment and improvement of mental health facilities, including security medical facilities for persons requiring security during treatment.

The above bill was read a second time at length as required by the Constitution.

H. 334. To authorize the sale and issuance of not exceeding \$7,000,000 principal amount of general obligation bonds of the State of Alabama for the purpose of acquiring, constructing, equipping and improving mental health facilities, including security medical facilities for persons requiring security during treatment; to pledge the full faith and credit of the state for payment of the principal of and interest on said bonds; to create a bond commission with authority to specify the details of and to make provisions for the sale of and to sell said bonds; and to make provision for the terms, execution, and issuance of said bonds and the use of the proceeds therefrom.

H. 333. To authorize the establishment of a security medical facility under the jurisdiction of the Alabama Mental Health Board; to establish sources and procedures for admission to said facility; and to provide for the charges for the cost of treatment.

H. 337. To provide that a retired member of the State Employees' Retirement System may earn up to \$4,800 from any source without affecting their retirement pay.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 396. (With Amendment): To create an independent division under the Department of Education to administer the various programs under the National Social Security Act; provide for a director of such division, and define the duties and functions of such division and director.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the

following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 79. To amend Title 55, Section 488 (2), Code of Alabama 1940, so as to allow out-of-state travel for employees of institutions under control of the state board of education and employees of local boards of education without prior authorization by the governor, provided such travel shall have been authorized by the president of the institution or the local superintendent of education involved.

H. 413. Relating to livestock dealers, the annual permit required of such dealers, bills of sale required and removal of the prohibition of the sale of livestock at night: to amend Section 385, as amended, and Section 386 of Title 2 of the Code of Alabama of 1940, relating to livestock dealers, the annual permit required and the fee required therefor, bills of sale and bills of lading required thereunder; and to repeal Section 387 of Title 2 of the Code of Alabama of 1940 which prohibits the sale of livestock after sunset or before sunrise.

H. 415. Requiring the owners of livestock who brand their livestock to register such brands with the Department of Agriculture and Industries, and to provide for the transfer and re-registration of such registered brands; to prescribe fees to be paid therefor; to require the Department of Agriculture and Industries to furnish copies of registered brands to livestock markets, sheriffs and other law enforcement personnel for tracing, locating and determining ownership of lost, estrayed or stolen livestock; imposing certain duties relating to record keeping of the receipt, sale and handling of livestock upon livestock markets, slaughterers, livestock dealers and livestock hide dealers concerning the identity of livestock; to authorize the State Board of Agriculture and Industries to adopt rules and regulations to carry out the provisions of this act; to prescribe penalties for violations of the provisions of this Act; to provide for the effective date hereof, and the repeal of laws in conflict with this Act.

H. 52. To provide further for unemployment benefits; to authorize and require payment of unemployment benefits to an employee of any business which ceases or curtails operations because of pollution.

H. 416. Relating to the payment by the State of Alabama of compensation to surviving dependents of certain peace officers and firemen killed in the line of duty to redefine the term "peace officer"; to further amend Section 1 of Act No. 208, S. 34, (Acts of Alabama, 1966 Special Session, page 256), which Act provides for the payment by the State of Alabama of compensation to the surviving dependents of certain peace or law enforcement officers or certain firemen killed in the course of employment, said Section of said Act being last amended by Act No. 1130, S. 482, Legislature of 1969, (Acts of 1969, Vol. III, p. 2094); to further define the term "peace officer" as used in said Act No. 208, Legislature of 1966, Special Session, as amended, to include "livestock theft investigators" of the Department of Agriculture and Industries as "peace officers".

H. 753. To amend Section 6 of Act No. 48, H. 413, Regular Session 1973 (Acts 1973, p. 76) regulating the employment of all legislative employees so as to provide for the employment of one additional page for each house to be appointed upon recommendation of the Department of Youth Services.

H. 655. To exempt the Childrens' Village, Incorporated from the payment of all state, county and municipal sales and use taxes.

H. 852. Proposing an amendment to the Constitution of Alabama providing that legislators may elect to come within the provisions of the state employees' retirement system and any state employees' insurance plan.

The above bill was read a second time at length as required by the Constitution.

H. 851. To extend the state employees' retirement system and any state employees' insurance plan to members of the legislature, who for the purpose of coming within the provisions of these plans shall be considered "state employees"; providing that the legislators shall on a voluntary basis elect whether or not they choose to take part in the retirement system or insurance plan; and that the total compensation paid members of the Legislature including per diem, wages, fees, travel and expense allowances and all other forms of compensation shall, for the purposes of this act, be considered as salary for the purpose of making deductions for the insurance and retirement plans.

H. 302. To authorize and empower the State Commissioner of Revenue to enter into reciprocal agreements in regard to the withholding and payment of state income taxes by the personnel of interstate common carriers.

H. 76. Relating to taxation, to provide for an exemption from ad valorem taxation on personal property in transit through this state, or in storage in a public or private warehouse or other storage facility for shipment to a destination outside this state, to declare the policy of this state to encourage the development of this state as a distribution center; to provide for certain warehouse or storage facility records with regard to such property; and to repeal inconsistent laws.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 517. To authorize incorporated municipalities, counties, and state agencies to purchase liability insurance to indemnify innocent parties unintentionally injured by state police, sheriff, deputy or local police in the performance of their official duties.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 640. (With Substitute): To provide that sod farming or the raising of sod grass for resale shall be treated for tax purposes or tax exemptions the same as other types of farming.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 643. To exempt the Huguley Water System in Lanett, Alabama, from the payment of all state, county, and municipal sales and use taxes.

H. 406. Relating to the licensing of motor vehicle dealers; regulating the purchase and use of dealer license plates on motor vehicles; prescribing application information, records, penalty and bonds; amending Title 51, Section 464, as amended, Code of Alabama 1940, so as to delete any reference to automobile dealer license plates.

RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. J. R. 101. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two Houses adjourn on Thursday, June 26, 1975, they adjourn to meet again on Tuesday, July 8, 1975.

On motion of Mr. Manley, the rules were suspended and the resolution, H. J. R. 101, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Smith (J), Smith (M), Kinsey, Folmar, Sasser, Carothers and Smith (B):

H. 856. To amend Act No. 763, H. 286 [Acts 1973, p. 1145- now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 378 (1a)], which act provides for subsistence allowances for certain law enforcement officers so as to include law enforcement officers of the State Board of Pardons and Paroles and to repeal conflicting statutes.

Ways and Means.

By Messrs. Cross, Moore (O), Robertson, Hines, Smith (C), Kennedy, Roberts, Edwards, Manley, Morris, Martin, McCluskey, Rich, Greer, Goodwin, Clark, Carter and Owens:

H. 857. To revise the fee schedule for services rendered in probate offices and establish a new schedule for such services; and to repeal Code of Alabama 1940, Title 11, Section 29, and other general laws of state-wide application in conflict herewith.

Local Government.

By Messrs. Coburn and Goodwin:

H. 858. To provide for supplementing the salaries or compensation paid to retired or supernumerary circuit judges in the Thirty-First Judicial Circuit.

Local Government.

By Messrs. Ford, Rich, Weeks, Greer, Riddick, Taylor, Quarles, Waggoner, Boles, Crowe, Armstrong, White, Hall, Albright, Starkey, Dial, Edwards, Sasser, Holmes, Wyatt, Harrison, Smith (C), Sparks, Brindley and Killian:

H. 859. To provide that all teachers, administrators and professional staff members of all state supported junior and technical colleges, excluding the academic dean and president of such colleges, shall have the same tenure rights as teachers in the public school system; such teachers, administrators and professional staff members shall receive tenure after three years; and time already served shall count toward the necessary three years.

Education.

By Messrs. Taylor, Ford and Rich:

H. 860. Relating to the Sixteenth Judicial Circuit; providing for an additional circuit court judge in such circuit.

Ways and Means.

By Mr. McCluskey (With Notice and Proof):

H. 861. Relating to Coosa County, to amend Section 4 of Act No. 102, H. 222, Regular Session 1969 (Acts of 1969, p. 383), which act levys a sales and use tax on the sale and distribution on malt or brewed beverages, so as to allow the sheriff to confiscate such beverages which are untaxed.

Local Legislation No. 1.

Notice and Proof H. 861:

STATE OF ALABAMA
COUNTY OF COOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Coosa County, to amend Section 4 of Act No. 102, H. 222, Regular Session 1969 (Acts of 1969, p. 383), which act levys a sales and use tax on the sale and distribution on malt or brewed beverages, so as to allow the sheriff to confiscate such beverages which are untaxed.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 102, H. 222, Regular Session 1969 (Acts of 1969, p. 383) is hereby amended to read as follows:

"Section 4. Any person, firm, or corporation who violates any provision of this act or the rules and regulations provided by the governing body of Coosa County shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each month such violation continues shall constitute a separate offense. In addition, the sheriff or deputy sheriffs of said county shall have authority to seize without warrant any and all malt or brewed beverages on which the license tax levied by this act has not been paid, including the containers or packages in which such malt or brewed beverages are found, in the possession of any person violating the provisions of this act, and malt or brewed beverages in the possession of such persons are hereby declared to be contraband goods and upon such confiscation shall be delivered to the probate judge for sale at public auction to the highest bidder after due advertisement. The proceeds of the sale of any such malt or brewed beverages sold hereunder after paying all costs shall be distributed by the probate judge to the county general fund."

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF TALLADEGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Charles H. Greer, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sylacauga News, a newspaper of general circulation published in Talladega County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 19, May 26, June 2, and June 9, all in the year 1975.

CHARLES H. GREER.

Sworn to and subscribed before me June 9, 1975.

LEE D. GREER,
Notary Public.

By Messrs. Killian, Drake and Ford:

H. 862. To authorize former justices of the supreme court, judges of the courts of appeal, and judges of the several circuit courts who became supernumerary justices or judges under the applicable laws of this state prior to the effective date of Act No. 1163, approved September 18, 1973, or, in the case of their death, their surviving spouses, to elect to come under the provisions of said Act No. 1163 which act created the Judicial Retirement Fund; to provide for the time and manner in which such election is to be made and for the amount of money to be paid into the Judicial Retirement Fund by the supernumerary justice or judge or surviving spouse making such an election in order for his surviving spouse to receive the yearly benefits provided under this retirement system.

Ways and Means.

By Messrs. Mitchem, Dial, Brindley, Riddick and Killian:

H. 863. To name a certain facility at Snead State Junior College.

State Administration.

By Messrs. Smith (M), Higginbotham, Morris, Baker, Johnstone, Whatley, Turnham, Malone, Glass, Callahan, Sonnier, LeFlore, Kinsey, Harris, Hines and McCulley:

H. 864. To make an appropriation from the General Fund in the State Treasury to the Bureau of Publicity and Information, or its successor, to be used for the operation, equipment, maintenance, literature, salaries and related purposes at the Welcome Center located on Interstate 85 near Lanett, Alabama for the fiscal year ending September 30, 1976.

Ways and Means.

By Messrs. Hall, Boles, Biddle, Andrews, Falkenburg, Armstrong, Hilliard, Jolly, Moore (O), Hopping, Trammell and White:

H. 865. To Amend Section 19 of Act No. 248 of the Regular Session of the Legislature of 1945 (General Acts of Alabama 1945, P. 376 et seq.),

to provide for the rate at which Merit System Employees shall earn annual vacation and to provide for the rate at which Merit System Employees shall earn sick leave and to also provide for the payment of earned sick leave at retirement or termination.

Ways and Means.

By Messrs. Jackson (R), Tucker and Reed:

H. 866. To provide for the continuation of community action agencies in the state; to provide a short title; to provide definitions; to provide a statement of purposes; to provide for the administration of this Act by the Executive Office of the Governor; to provide for the distribution of funds; to specify authorized and unauthorized activities for community action agencies; to repeal conflicting laws; and for other purposes.

Public Welfare.

By Messrs. McCulley, Owens, Malone, Glass, Cooper, Kennedy, Sandusky, Wyatt, Morris, Manley, McMillan, Killian, Burgess and Hines:

H. 867. To prescribe a certain penalty in addition to that provided by law for any person convicted of committing a crime with a firearm; to provide that such additional sentence shall be served consecutively and without eligibility for parole and to repeal all conflicting statutes.

Judiciary.

By Mr. Turnham:

H. 868. To amend Section 1 of Act No. 1209, S. 223, Regular Session 1973 (Acts of 1973, p. 2031, now appearing in Code of Alabama, Recompiled 1958, as Title 52, Section 13 (1)) so as to increase the expense allowance of members of the State Board of Education from \$100 to \$500 per month.

Ways and Means.

By Messrs. Higginbotham, Smith (M), Baker, Whatley, Sasser, Owens, Jackson (F), Carter, Turnham, Manley and McCulley:

H. 869. Relating to banks and de novo acquisition of a bank by a bank holding company.

Banking.

By Messrs. Moore (O), Waggoner and Smith (C) (With Notice and Proof):

H. 870. Providing for the method of acknowledging full or partial satisfaction of any recorded mortgage or other lien in the records of the office of the Judge of Probate of Shelby County.

Local Legislation No. 1.

Notice and Proof H. 870:

LEGAL NOTICE

Notice is hereby given of intention to apply at the next session of the Legislature of Alabama, for introduction and passage of a Bill the substance of which, as distinguished from details, is and will be the following:

A BILL
TO BE ENTITLED
AN ACT

An Act, providing for the method of acknowledging full or partial satisfaction of any recorded mortgage or other lien in the records of the office of the Judge of Probate of Shelby County.

Be It Enacted by the Legislature of Alabama:

Section 1. The purpose of this act is to provide for the recording in the office of the Judge of Probate of Shelby County a full or partial satisfaction of any recorded line, as hereinafter defined.

Section 2. Definitions: The following words and phrases hereinafter used in this act shall have the following respective meanings: "Recorded lien" means any mortgage, deed of trust, conveyance reserving a vendor's or other lien, contract of conditional sale, lease sale contract, judgment, mechanic's lien, materialman's lien, or any other lien of any kind, including any instrument constituting or evidencing any thereof, that may at any time be filed for record in the office of the Judge of Probate of Shelby County pursuant to statute authorizing the recording thereof.

Section 3. Satisfaction of Recorded Liens. In lieu of entering on the margin of the record of the fact of full or partial payment of the debt secured by any recorded lien and the satisfaction or partial satisfaction of any recorded lien, in the manner provided for in Article 3 of Chapter 5 of Title 47 of the Code of Alabama Recompiled 1958, in Section 61 of Title 33 of said code, and in any other law providing for marginal entry of such payment and satisfaction, the owner or holder of any recorded lien (or the attorney in fact, duly authorized by separate instrument acknowledged and filed for record, of such owner or holder) shall acknowledge such full or partial payment and such full or partial satisfaction by a separate instrument; provided, that, prior to the completion of the initial installation in the county of an improved recording system required by Act adopted at the Regular Session of the Legislature of Alabama of 1975, any partial or full satisfaction of any recorded lien that has not at the time when microphotographed or otherwise photographed or rephotographed in reduced size, as required by said Act may be satisfied on the margin of the record as now provided by law.

Section 4. Printed Form to be Supplied by County. Printed forms of a separate instrument for use in acknowledging such full or partial satisfaction or payment of a recorded lien shall be supplied by the county and made available without charge in the office of the Judge of Probate of the county; and the execution of such printed form shall be witnessed by the Judge of Probate of the county or his clerk who, in his official capacity, must attest such execution. Any owner or holder of a recorded lien may use such printed form supplied by the county or, at the option of such owner or holder, may use any other appropriate form of separate instrument for the purpose acknowledging such full or partial payment and satisfaction. The fee for recording any separate instrument acknowledging such payment and satisfaction shall be whatever fee may then be provided by law for recording an instrument of the same kind and length in any Probate office in this state, plus the special index fee provided for in said Act providing for an improved system of recording documents adopted by the 1975 Legislature.

Section 5. Severability. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

JOURNAL OF THE HOUSE, 1975
9th Day

Section 6. Effective Date. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

STATE OF ALABAMA
SHELBY COUNTY

Personally appeared before me, Judge of Probate, in and for said county, Mildred White Wallace, who being duly sworn according to law deposes and says that she is the Associate Editor of the SHELBY COUNTY REPORTER a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper 4 weeks consecutively, towit in issues thereof dated as follows: May 1, 8, 15, 22, 1975

MILDRED WALLACE,
Associate Editor.

Subscribed and sworn before me this 23 day of May, 1975.

CONRAD M. FOWLER,
Judge of Probate.

By Messrs. Moore (O), Waggoner and Smith (C) (With Notice and Proof):

H. 871. To authorize the county governing body of Shelby County to appropriate funds for lunches and an allowance of not more than \$1.00 per week per prisoner sentenced to and performing hard labor in Shelby County, as a weekly allowance for such prisoners and to purchase lunches for those prisoners who are at hard labor away from the county jail.

Local Legislation No. 1.

Notice and Proof H. 871:

LEGAL NOTICE

Notice is hereby given of intention to apply at the next session of the Legislature of Alabama, for introduction and passage of a Bill the substance of which, as distinguished from details, is and will be the following:

A BILL
TO BE ENTITLED
AN ACT

To authorize the county governing body of Shelby County to appropriate funds for lunches and an allowance of not more than \$1.00 per week per prisoner sentenced to and performing hard labor in Shelby County, as a weekly allowance for such prisoners and to purchase lunches for those prisoners who are at hard labor away from the county jail.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Shelby County is hereby authorized to appropriate funds for the purchase of lunches for prisoners working at hard labor away from the jail and an allowance not to exceed \$1.00 per week to each prisoner at work for Shelby County under a sentence of hard labor.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

STATE OF ALABAMA
SHELBY COUNTY

Personally appeared before me, Judge of Probate, in and for said county, Mildred White Wallace, who being duly sworn according to law deposes and says that she is the Associate Editor of the SHELBY COUNTY REPORTER a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper 4 weeks consecutively, towit in issues thereof dated as follows: May 1, 8, 15, 22/75

MILDRED WALLACE,
Associate Editor.

Subscribed and sworn before me this 23 day of May, 1975.

CONRAD M. FOWLER,
Judge of Probate.

By Messrs. Moore (O), Waggoner and Smith (C) (With Notice and Proof):

H. 872. To require the installation and maintenance of an improved system of recording documents affecting the title to property and other documents and recorded in the office of the Judge of Probate of Shelby County; to provide that said system shall constitute official and permanent records in Shelby County; to provide for a special index fee of \$1.00 in addition to all existing recording fees and charges, for each such document hereafter filed for record in Shelby County.

Local Legislation No. 1.

Notice and Proof H. 872:

LEGAL NOTICE

Notice is hereby given of intention to apply at the next session of the Legislature of Alabama, for introduction and passage of a Bill the substance of which, as distinguished from details, is and will be the following:

A BILL
TO BE ENTITLED
AN ACT

To require the installation and maintenance of an improved system of recording documents affecting the title to property and other documents and recorded in the office of the Judge of Probate of Shelby County to provide that said system shall constitute official and permanent records in Shelby county to provide for a special Index fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Shelby County.

Be It Enacted by the Legislature of Alabama:

Section 1. Applicability and purpose of Act. The purpose of this act is to facilitate the use of public records in property transactions in Shelby County by providing for the installation of an improved system of filing and recording instruments and documents affecting the title to real and personal property that are recorded in the office of the Judge of Probate of such county and for the recording of other in-

struments and documents in the probate office in the discretion of the governing body of the county.

Section 2. Definitions. The following words and phrases, including the plural of any thereof, whenever used in this act, shall have the following respective meanings:

****Real property instrument**** means and includes any instrument or document affecting the title to real property that may be now or hereafter filed for record in the Probate office pursuant to the applicable requirements of the laws of this state, including, but without limitation to, Articles 10 and 11 of Chapter 3 of Title 47 of the Code and all statutes providing for the filing and recording of notices or statements of liens of any kind, notices of judgment, and plats or maps showing subdivisions of real estate.

"General property instrument" means a real property instrument that affects the title to personal property as well as real property.

"Personal property instrument" means any instrument or document affecting the title to personal property only (as distinguished from real property) that may be now or hereafter titled for record in the probate office, in accordance with the applicable requirements of the laws of this state, including particularly said Articles 10 and 11.

"Improved recording system" means a system of recording real property instruments and personal property instruments in the probate office and, in the discretion of the governing body of the county, of recording other instruments and documents in the probate office, which system when completed, will consist of the following: (a) the following microphotographed copies: (1) microphotographed copies of all real property instruments (or of the record of such instruments) at any time filed for record in the probate office, such copies to be arranged chronologically, according to the date of the filing for record of the original instruments, in drawers or cabinets which shall be separated into different classifications indicating generally the nature of the instruments recorded in such drawer or cabinet, such classifications to be designated by the Judge of Probate of the county and to include such classifications as "Deeds", "Mortgages", "Mechanics" and "Material-men's Liens", "Judgments" and the like; (2) microphotographed copies of all miscellaneous instruments (or of the record of such instruments) that are of record in the probate office on the effective installation date and of all personal property instruments (or of the record of such instruments) at any time filed for record in the probate office, such copies to be arranged chronologically, according to the date of the filing for record of the original instruments, on reels of microfilm filed in cabinets or other suitable receptacles; and (3) in the discretion of the governing body of the county, evidenced by a resolution or resolutions adopted by such governing body, microphotographed copies of any or all of the following records and instruments (or the record thereof) at any time filed for record, recorded or made an official record in the probate office: certificates of incorporation, amendment and dissolution pertaining to corporations, and any other documents properly recorded in the incorporation Records of the county, Wills and Records of adoptions, Legitimations, Marriage Licenses, Administrator's Accounts, and Tax Sales; (b) equipment necessary and suitable to prepare and contain the microphotographed records.

Section 3. Installation and Maintenance of System. The Court of County Commissioners, Board of Revenue, or like governing body of the county is hereby authorized, to provide for the installation upon the recommendation, acceptance and approval of the Judge of Probate

and thereafter for the maintenance, of an improved recording system in the probate office of the county. The initial installation of the improved recording system shall include the following: (a) the acquisition of the equipment provided for in clause (b) of the definition hereinabove set forth of an improved recording system; (b) the microphotographing and filing in drawers, cabinets and other receptacles of the public records of all real property instruments, personal property instruments, and miscellaneous instruments that are of record in the probate office of the county on the effective installation date and of any other then existing records in the probate office the inclusion of which in the improved recording and indexing system may be provided for by resolution of the governing body of the county;

(c) the establishment of procedures for the continued microphotographing and filing of all instruments and records that will, after the effective installation date, constitute a part of the improved recording system; (d) the initial installation of the improved recording system shall be performed by a person, firm or corporation engaged in the records management business and experienced in setting up county records; and such initial installation shall be supervised and inspected by an employee of the county who is experienced in handling records pertaining to abstracts and title. Following its installation in the county, the improved recording system shall be thereafter maintained in the county and all real property instruments, general property instruments and personal property instruments and other documents and records herein provided to constitute a part of said system, that may be thereafter filed for record or recorded in the probate office of the county shall be photographed and recorded in accordance with the aforesaid improved recording system. Each real property instrument and each personal property instrument shall be operative as a record from the time of its delivery to the Judge of Probate of the county, in accordance with the provisions of existing law, including particularly Section 98 of Title 47 of the Code.

Section 4. Official and Permanent Records, What Constitutes (a) Record of Instruments. On and after the effective installation date, the microphotographic copies of all instruments and records provided herein to be microphotographed shall constitute the official record of such instruments for the purposes of Articles 10 and 11 of Chapter 3 of Title 47 of the Code and all other laws applicable to the recording of any of such instruments and for all other purposes; and the record of real property instruments, personal property instruments, miscellaneous instruments, and other documents and records that may be microphotographed pursuant to the provisions of this act, made in books prior to the effective installation date shall not thereafter constitute official records. Following the effective installation date, real property instruments, personal property instruments, and other documents and records provided herein to be microphotographed shall no longer be recorded in books.

Section 5. Applicability of Existing Laws. All provisions of the laws of Alabama with respect to the recording of real property instruments, personal property instruments, general property instruments, miscellaneous instruments, and other instruments and records they may constitute part of an improved recording system installed hereunder (including but without limitation to, the provisions of Articles 10 and 11 of Chapter 3 of Title 47 of the Code, of Section 285 of Title 13 of the Code, and the provisions of all statutes respecting the filing and recording of notices or statements of liens of any kind, notice of Lis Pendens, declarations of claims or exemption, certificates of judgment, or plats or maps showing subdivisions of real estate) that are not inconsistent with the provisions of this act shall continue in effect

with respect to an inmpoved recording system installed hereunder, the recording of instruments therein, and the duties of the Judge of Probate with respect thereto.

Section 6. Installation of System to be Paid Out of Special Recording Fees and Proceeds of Warrants. No moneys owned or controlled by the county, other than the said special recording fees shall be applied by the county for payment of any part of the initial installation costs; and the initial installation costs shall be paid entirely out of the said special recording fees. Nothing contained in this section, however, shall prohibit the county from using any part of its own funds for the purpose of paying the cost of operating and maintaining, after the initial installation, any improved recording system installed pursuant to the provisions of this act.

Sectikon 7. Special Recording Fees. Thirty days after the date this act becomes applicable to Shelby County, a special index fee of \$1.00 shall be paid to the county, and collected by its Judge of Probate, with respect to each real property instrument and each personal property instrument that may be filed for record in the office of said Judge of Probate and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county, and, on and after such date, no such instrument shall be received for record in the office of said Judge of Probate unless the said special index fee of \$1.00 is paid thereon. Said special index fee shall be in addition to all other fees, taxes and other charges required by law to be paid upon the filing for record of any real property instrument or personal property instrument, and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county. All special index fees so collected shall be covered into the county treasury, and shall be credited to the account of a special fund to be expended solely for payment of initial installation costs and the cost as needed of additional equipment that may be added to the probate office from time to time.

Section 8. Severability. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. Repeal of Conflicting Laws. All laws or parts of laws which conflict with this act are, to the extent of such conflict repealed.

Section 10. Effective Date. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

STATE OF ALABAMA SHELBY COUNTY

Personally appeared before me, Judge of Probate, in and for said county, Mildred White Wallace, who being duly sworn according to law deposes and says that she is the Associate Editor of the SHELBY COUNTY REPORTER a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed has been made in said newspaper 4 weeks consecutively, towit in issues thereof dated as follows: May 1, 8, 15, 22, 1975

MILDRED WALLACE,
Associate Editor.

Subscribed and sworn before me this 23 day of May, 1975.

CONRAD M. FOWLER,
Judge of Probate.

REGULAR SESSION
9th Day

599

By Messrs. Moore (O), Waggoner and Smith (C) (With Notice and Proof):

H. 873. To authorize the county governing body of Shelby County to adopt a resolution and thereby authorize all polling places to remain open between the hours of 8:00 a.m. and 7:00 p.m. at all state and local elections held within such counties.

Local Legislation No. 1.

Notice and Proof H. 873:

LEGAL NOTICE

Notice is hereby given of intention to apply at the next session of the Legislature of Alabama, for introduction and passage of a Bill the substance of which, as distinguished from details, is and will be the following:

A BILL
TO BE ENTITLED
AN ACT

To authorize the county governing body of Shelby County to adopt a resolution and thereby authorize all polling places to remain open between the hours of 8:00 a.m. and 7:00 p.m. at all state and local elections held within such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Shelby County is hereby authorized to adopt a resolution and thereby authorize all polling places within Shelby County to remain open between the hours of 8:00 a.m. and 7:00 p.m. for state and county elections.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

STATE OF ALABAMA
SHELBY COUNTY

Personally appeared before me, Judge of Probate, in and for said county, Mildred White Wallace, who being duly sworn according to law deposes and says that she is the Associate Editor of the SHELBY COUNTY REPORTER a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper 4 weeks consecutively, to wit in issues thereof dated as follows: May 1, 8, 15, 22, 1975

MILDRED WALLACE,
Associate Editor.

Subscribed and sworn before me this 23 day of May, 1975.

CONRAD M. FOWLER,
Judge of Probate.

By Messrs. Moore (O), Waggoner and Smith (C) (With Notice and Proof):

H. 874. To prohibit the Probate Judge or any other official or any employee of Shelby County from selling, lending, giving, or otherwise disposing of a computer printout of the list of registered voters of Shelby County.

Local Legislation No. 1.

Notice and Proof H. 874:

LEGAL NOTICE

Notice is hereby given of intention to apply at the next session of the Legislature of Alabama, for introduction and passage of a Bill the substance of which, as distinguished from details, is and will be the following:

A BILL
TO BE ENTITLED
AN ACT

To prohibit the Probate Judge or any other official or any employee of Shelby County from selling, lending, giving, or otherwise disposing of a computer print-out of the list of registered voters of Shelby County.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be illegal for the Probate Judge or any other county official or county employee to lend, give, sell, or otherwise dispose of to any person, a copy of the computer print-out list of voters of Shelby County containing the names, ages, and addresses of the registered voters or any portion thereof of such county. A violation hereof shall be punishable by fine of not over \$100.00.

Section 2. Such computer print-out list of registered voters shall be available for public inspection but nothing herein shall prevent or prohibit the public circulation of the list of registered voters published under the provisions of Section 38 Title 17 of the Code of Alabama of 1940, Recompiled 1958, which list does not contain ages and addresses of such voters.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

STATE OF ALABAMA
SHELBY COUNTY

Personally appeared before me, Judge of Probate, in and for said county, Mildred White Wallace, who being duly sworn according to law deposes and says that she is the Associate Editor of the SHELBY COUNTY REPORTER a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper 4 weeks consecutively, towit in issues thereof dated as follows: May 1, 8, 15, 22, 1975

MILDRED WALLACE,
Associate Editor.

Subscribed and sworn before me this 23 day of May, 1975.

CONRAD M. FOWLER,
Judge of Probate.

By Messrs. Mitchem and Kelley:

H. 875. To protect the public safety by providing for notices to public utilities by persons excavating or discharging explosives near underground facilities or demolishing buildings containing utility facilities; to provide for notices to affected parties when underground facilities are damaged; to provide for the establishment of prima facie negligence for failure to give the notices; and to prescribe penalties for violations hereof.

Public Welfare.

By Messrs. Hines, Warren, Manley, Plaster and Cross:

H. 876. Requiring that each parolee and probationer pay five percent of his monthly earnings into the general fund of the state to offset the cost of his supervision and rehabilitation.

Ways and Means.

By Mr. Hines:

H. 877. To define habitual criminals; providing procedure to determine who is an habitual criminal; providing for the indictment, trial, imprisonment, probation, parole and punishment of habitual criminals; prescribing rules of evidence for the trial of habitual criminals; prescribing the powers and duties of courts and juries in the trials of habitual criminals; prescribing the procedure and the powers and duties of courts in appeals from convictions and sentences of habitual criminals; and prescribing the form of complaints, charges, and indictment against habitual criminals.

Judiciary.

By Mr. Venable:

H. 878. To amend Sections 1, 3, 5, 6, 6-a, 7, 8, 11, 15, 16, 18, 21, 23, 29, 31, 37, 39, 47 & 48 of Act 663, S. 132, Acts of Alabama 1961, enacted at the 1961 Regular Session of the Legislature of Alabama, as amended, which said act provides for and regulates general and special elections in cities and town of this state which have a population of 300,000 inhabitants or less, except those cities and towns which have a commission form of government; designating the date and time for regular elections, and authorizing the municipal governing body to call special elections; prescribing the manner of giving notice of municipal elections and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contest thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such election; to require ninety days prior residency of candidates and to authorize the establishment of voting centers; said act is now codified as Chapter 3A, Title 37, Code of Alabama, Recomp. 1958.

Constitution and Elections.

By Mr. Venable:

H. 879. To amend Sections 2, 4, 6, 7, 7-a, 8, 9, 12, 16, 19, 22, 24, 30, 32, 38, 40, 48, and 49 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) as amended, which Act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less and which have a commission form of government; designating the date and time for regular elections and authorizing the Board of Commissioners to call special elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and

requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such election may be contested and the procedure for contest thereof; and providing that the cost of municipal elections shall be paid by the city or town holding such elections; to require 90 days prior residency of candidates and to authorize the establishment of voting centers; said Act is now codified as Chapter 3B, Title 37, Code of Alabama, Recomp. 1958.

Constitution and Elections.

By Mr. Malone:

H. 880. To provide that it shall be unlawful for any person to handle, glove, repair or otherwise touch or to order or direct any other person to handle, glove, repair or otherwise touch any energized electrical conductor above 6,000 volts, however this act does not prohibit work on energized electrical conductors above 6,000 volts with sticks or poles; providing that violation of this act shall be a misdemeanor, and specifying the punishment therefor.

Business and Labor.

By Mr. Reed:

H. 881. To provide that persons who are undergoing credit checks should be informed of same, to provide for the means thereof and penalties if same is not complied with.

Public Welfare.

By Mr. Reed:

H. 882. To provide for an appropriation from the General Fund in the State Treasury for the purpose of constructing and equipping a building to house a sickle cell anemia diagnostic laboratory at Tuskegee for use by the State Department of Public Health.

Ways and Means.

By Mr. Reed:

H. 883. To make it unlawful to collect the debts of another unless one is an exempt class and to provide penalties therefor.

Public Welfare.

By Mr. Reed:

H. 884. To provide that each consumer is furnished with knowledge concerning his credit, to provide for the means thereof and penalties for violations.

Public Welfare.

By Messrs. Killian, Crowe, White, Hines, Manley and Lockett:

H. 885. To permit the hunting of certain non-native gamebirds in this state under specified conditions without a state hunting license.

Conservation.

By Mr. Manley:

H. 886. Relating to the commitment of mentally ill persons to the custody of the State Department of Mental Health; prescribing the procedures for the involuntary commitment of mentally ill persons,

prescribing the duties and responsibilities of all persons and departments concerned with the commitment of mentally ill persons; providing for the rights of persons sought to be committed as mentally ill; providing for the payment of costs of proceedings for the commitment of mentally ill persons; providing for appeal to circuit court by persons committed as mentally ill; prescribing the jurisdiction of the probate court in regard to persons committed as mentally ill; providing for the transfer of mentally ill persons to facilities operated by the United States; and repealing conflicting laws.

Judiciary.

By Mr. Manley:

H. 887. Relating to hospitalization of mentally ill persons; defining terms; providing for specified civil, legal and treatment rights of patients; prescribing the duties and responsibilities of persons and agencies concerned with the admission and treatment of mentally ill persons; prescribing the quality of care and treatment of patients; and repealing conflicting laws.

Judiciary.

By Mr. Manley:

H. 888. Relating to Mental Health entering the Interstate Compact on Mental Health, providing for proper and expeditious treatment of the mentally ill and mentally deficient by cooperative action with other party states, without regard to the residence or citizenship of the patient.

Judiciary.

By Messrs. LeFlore, Cooper, McCulley, Carothers, Hines, Malone, Kinsey, Smith (M), Holmes, Glass, Crowe, Morris, McNees, Shelton, Boles, Williams, Hall, McMillan and Kennedy:

H. 889. To require the wardens of the Holman Prison, the Fountain Correctional Institution, the Julia T. Tutwiler Prison, the Mt. Meigs Correctional Facility, the Draper Prison, and the Frank Lee Youth Center to promulgate rules and regulations providing for conjugal visitation by inmates with their respective spouses, and appropriating sufficient funds from the state general fund to construct a facility to be used for this purpose at each prison.

Ways and Means.

By Mr. Callahan:

H. 890. To amend further Code of Alabama 1940, Title 51, Section 619, as amended, which levies a privilege tax on the recording of mortgages, deeds of trust and certain other instruments, so as to include among the instruments on which the tax is levied agreements not to sell or encumber and assignments of rents given as an inducement to loan money, grant or extend credit.

Ways and Means.

By Messrs. Callahan, Sandusky, LeFlore, McMillan, Sonnier, Cooper, Glass, Kennedy, McCulley and Johnstone:

H. 891. To make appropriations from the state treasury to the use of the Board of Trustees of the University of South Alabama, located in Mobile, Alabama for capital outlay purposes.

Ways and Means.

By Messrs. Callahan, Sandusky, LeFlore, McMillan, Sonnier, Cooper, Glass, Kennedy, McCulley and Johnstone:

H. 892. To make appropriations from the state treasury to the use of the Board of Trustees of the University of South Alabama, located in Mobile, Alabama for capital outlay purposes.

Ways and Means.

By Mr. McNees:

H. 893. To amend Section 1, Act No. 667, H. 1789, Regular Session 1973 (Acts of 1973, p. 1005), entitled "An Act Relating to all counties having populations of not less than 16,245 nor more than 16,300; providing additional clerk hire allowances for the offices of the probate judge, tax assessor, tax collector and circuit clerk in such counties," so as to provide for an increase in the amount of said allowances.

Local Legislation No. 1.

By Mr. McNees:

H. 894. To amend Section 1 of Act No. 665, H. 1787, 1973 Regular Session (Acts of 1973, p. 1004), entitled "An Act To provide expenses allowances for members of the county commission of all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census," so as to increase the amount of the expense allowance.

Local Legislation No. 1.

By Messrs. McMillan, Kinsey, Crowe, Owens and Manley:

H. 895. Relating to disorderly conduct at public or private educational institutions and providing for criminal penalties for such conduct.

Judiciary.

By Messrs. McMillan and Kinsey:

H. 896. To provide that the use of a firearm or destructive device to commit any felony, or to unlawfully carry a firearm during the commission of any felony is in violation of State law and unlawful; to prescribe for punishment in addition to the punishment provided for the commission of the felony; to prescribe mandatory sentencing upon a second or subsequent conviction, and to prescribe terms therefor from running concurrently; and to repeal all conflicting statutes.

Judiciary.

By Messrs. Falkenburg, Waggoner, Gafford, Biddle, Moore (O) and Trammell (With Notice and Proof):

H. 897. To further amend Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which established a pension system for employees and officers of Jefferson County, Alabama.

Local Legislation No. 2.

Notice and Proof H. 897:

Notice is hereby given that at the Regular Session of the Legislature of Alabama of 1975 application will be made for the adoption of a law, herein called "the proposed law" amending, in the respects stated below,

Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), herein called "Act 497", as heretofore amended.

Any reference herein to Act 497 means Act 497, as amended; and any reference herein to any section or subsection of Act 497 means that section or subsection, as last amended.

PROVISION FOR VESTED BENEFIT ON
TEN YEARS PAID MEMBERSHIP TIME

The proposed law will amend Act 497 so that Act 497, as amended, will provide that the right to receive a deferred monthly retirement benefit, herein called "the deferred benefit" shall become vested in favor of any member of the system who accumulates at least ten years paid membership time and whose age is such that if he retired without further service, he would receive no monthly retirement benefit if the provision for the deferred benefit is not adopted.

The amount of the deferred benefit will be determined by applying the formula stated below; and payment of the deferred benefit will commence at the time stated below.

As herein used, these terms have the meanings hereby accorded them: "minimum deferred benefit" means the deferred benefit payable to a member having ten years paid membership time and no more paid membership time; "the minimum normal retirement benefit" means the minimum or lowest retirement benefit payable to a member on retirement for superannuation under subsection (a) of Section 10 of Act 497.

A member having at least ten years paid membership time shall receive the minimum deferred benefit which shall be fifty percent (50%) of the minimum normal retirement benefit. A member having more than ten years paid membership time shall receive the minimum deferred benefit plus ten percent (10%) of the minimum normal retirement benefit for each year of paid membership time in excess of ten years of paid membership time; provided, however, that in determining the amount of the deferred benefit no paid membership time in excess of fifteen (15) years shall be considered. The provisions of Act 497 providing for the consideration of the fraction of a year of paid membership time in determining the normal retirement benefit shall apply in determining the amount of the deferred benefit.

Upon a member's accumulating at least ten (10) years of paid membership time his right to the deferred benefit shall become vested. As used in the sentence next following, the term "such member" means that member in whose favor the deferred benefit becomes vested. Payment of the deferred benefit shall commence on that date whereon such member reaches that age at which any member having the paid membership time which such member has would be entitled to retire and to receive, commencing on his retirement, the normal retirement benefit for superannuation.

Any member in whose favor a deferred pension has vested shall be entitled to the joint and survivorship pension option provided for by Section 11 of Act 497.

PROVISION THAT ANY MEMBER BECOMING A MEMBER OF ANOTHER PENSION SYSTEM SHALL HAVE THE OPTION OF WITHDRAWING PAYMENTS HE HAS MADE TO THE PENSION SYSTEM ESTABLISHED BY ACT 497

The proposed law will be amended so as to provide that any member of the system established by Act 497 who becomes a member of another pension system established under the law of Alabama shall have the option to withdraw from the pension fund established by Act 497 all payments he has made to said fund.

PROVISION AUTHORIZING THE COUNTY COMMISSION OF THE COUNTY TO PERMIT ANY MEMBER OF THE SYSTEM TO CONVERT TO PAID MEMBERSHIP TIME ALL OR ANY PART OF HIS UNPAID MEMBERSHIP TIME

The proposed law will amend Act 497 so as to authorize the County Commission to permit members of the system to convert unpaid membership time to paid membership time. The amendment here considered will provide that in order to make such conversion the member shall pay into the fund the amount necessary to cover his deficiencies of contributions during that part of his service which was unpaid membership time, and that he shall pay interest on such deficiencies at a rate prescribed by the County Commission. The amendment will also provide that contemporaneously with a member paying to the fund any amount to discharge his liability with respect to deficiencies in contributions, the County will pay into the fund from the general funds of the County the same amount as the member pays to the fund.

PROVISION FOR RETIREMENT ON SUPERANNUATION AMENDED

The rate of the benefits for retirement, as prescribed by subsection (b) of Section 10 of Act 497, as amended, will be changed in the respects stated below.

Said subsection (b) presently provides:

"(b) Benefits. If upon a member retiring he is sixty (60) years of age or has previously attained his sixtieth (60th) birthday, he shall receive a monthly pension for the remainder of his life to be determined by the following formula:

"(1) One and three-fourths percent ($1\frac{3}{4}\%$) of his basic average salary multiplied by the number of years of his paid membership time as shall not exceed thirty (30) years; plus

"(2) One percent (1%) of his basic average salary multiplied by the number of years of his paid membership time in excess of thirty (30) years; plus

"(3) One-half of one percent ($\frac{1}{2}$ of 1%) of his basic average salary multiplied by the number of years of his unpaid membership time."

For those provisions of said subsection (b) quoted next above, the proposed law would substitute the following provisions:

(b) Benefits. Subject to the conditions designated "Condition 1" and "Condition 2", contained below in this subsection (b), if upon a member retiring he is sixty (60) years of age or has previously attained his sixtieth (60th) birthday, he shall receive a monthly pension for the remainder of his life to be determined by the following formula:

(1) One and seven-eighths percent ($1\frac{7}{8}\%$) of his basic average salary multiplied by the number of years of his paid membership time as shall not exceed thirty (30) years; plus

(2) One and one-eighths (1½%) percent of his basic average salary multiplied by the number of years of his paid membership time in excess of thirty (30) years; plus

(3) Five-eighths of one percent (% of 1%) of his basic average salary multiplied by the number of years of his unpaid membership time.

Condition 1. By joint action the County Commission and the Board may increase the rate provided for by (1), above (which is one and seven-eighths percent (1¾%) of his basic average salary multiplied by the number of years of his paid membership time as shall not exceed thirty (30) years, to two percent (2%) of his basic average salary multiplied by the number of years of his paid membership time as shall not exceed thirty (30) years. Such joint action shall be expressed by resolutions separately adopted by the County Commission and the Pension Board. Neither the County Commission nor the Pension Board shall take action without considering actuarial advice.

Condition 2. No member shall receive any retirement benefit in excess of sixty-five percent (65%) of his basic average salary.

THE PROPOSED LAW WOULD MAKE THESE TWO CHANGES, DESIGNATED AS CHANGE 1 AND CHANGE 2, IN SUBSECTION (a) OF SECTION 12 OF ACT 497 PROVIDING FOR NON-SERVICE CONNECTED DISABILITY BENEFIT.

Change 1. This change relates to the first sentence in said subsection (a), which requires ten (10) years' paid membership time as a condition to a member being entitled to a benefit for a non-service connected disability. In that sentence this change would substitute five (5) years for ten (10) years.

Change 2. Presently subsection (b) does not provide for any minimum nonservice connected disability. Change 2 would provide that the minimum nonservice connected disability shall be thirty percent (30%) of the salary the disabled employee was receiving when the disability occurred.

OPTION ACCORDED COUNTY EMPLOYEES NOT BELONGING TO SYSTEM OPTION TO BECOMING MEMBERS OF THE SYSTEM

The proposed law will provide that any employee of the County not belonging to the system shall have the option to become a member of the system at any time. This provision will apply only prospectively, in that no employee exercising such option shall be entitled to convert to paid membership time his service with the County before his becoming a member of the system.

REPEAL OF THE PROVISION OF ACT 497 PROHIBITING THE BOARD FROM INVESTING MORE THAN SEVENTY-FIVE PERCENT (75%) OF THE ASSETS OF THE SYSTEM IN CORPORATE BONDS

The proposed law would repeal that provision of Act 497 which prohibits the Board from investing in corporate bonds more than seventy-five percent (75% of the assets of the system.

AMENDMENTS CHANGING THE RATES OF BENEFITS APPLYING TO THOSE PREVIOUSLY DISABLED OR RETIRED

The proposed law will insert a provision in Act 497 that the rates prescribed for benefits shall apply to members of the system granted benefits prior to or subsequent to the adoption of such amendment.

The proposed law will provide that no amendment shall be construed to accord a benefit to any former member of the system who was not receiving from the system a benefit granted to him prior to adoption of the proposed law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared ELEANOR ABERCROMBIE FOSTER who, by me duly sworn, deposes and says that she is the PUBLISHER OF ALABAMA MESSENGER, (formerly the Alabama Legal Advertiser and the Birmingham Messenger), a weekly newspaper of GENERAL CIRCULATION, PUBLISHED and PRINTED in Jefferson County, Alabama, and which has been in CONTINUOUS WEEKLY PUBLICATION SINCE 1918, And that there was published in said newspaper in the issues of April 26, May 3, 10, 17, 1975, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER,
Publisher.

Sworn and subscribed to on this the 19th day of May, 1975.

KAREN W. ABERCROMBIE,
Notary Public.

By Mr. Falkenburg (With Notice and Proof):

H. 898. To provide what the fees established by Section 274, Title 51, Ala. Code of 1940 (fees relating to sale of real estate for delinquent taxes) shall be in Jefferson County.

Local Legislation No. 2.

Notice and Proof H. 898:

Notice is hereby given that at the Regular Session of the Legislature of Alabama of 1975 application will be made for the adoption of the following Act:

AN ACT

To provide what the fees established by Section 274, Title 51, Ala. Code of 1940 (fees relating to sale of real estate for delinquent taxes) shall be in Jefferson County.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in and to Jefferson County. The decree of sale mentioned in Section 2 of this Act is the decree ordering the sale of land on which taxes are delinquent, for which decree Article 1, Chapter 14, Title 51, Code of Alabama of 1940, provides.

Section 2. For each notice to a delinquent property owner to show cause why a decree of sale should not be rendered, the judge of probate is entitled to a fee of one dollar and twenty-five cents and for each decree of sale twenty-five cents; the tax collector shall have one dollar for serving each notice which may be given by registered mail with return receipt demanded, but for his attendance at court he shall receive no pay; but in case of appeal, the sheriff and the clerk of the appellate court shall be entitled to the same fees as for services in like cases.

Section 3. This Act shall be effective on its approval by the Governor or on its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared ELEANOR ABERCROMBIE FOSTER who, by me duly sworn, deposes and says that she is the PUBLISHER OF ALABAMA MESSENGER, (formerly the Alabama Legal Advertiser and the Birmingham Messenger), a weekly newspaper of GENERAL CIRCULATION, PUBLISHED and PRINTED in Jefferson County, Alabama, and which has been in CONTINUOUS WEEKLY PUBLICATION SINCE 1918, And that there was published in said newspaper in the issues of May 10, 17, 24, 31, 1975, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER,
Publisher.

Sworn and subscribed to on this the 2nd day of June, 1975.

KAREN W. ABERCROMBIE,
Notary Public.

By Messrs. Gafford, Weeks, Dial, Carter, Lutz, Armstrong, Moore (O), Baker, Jolly, Lewis, Glass, Goodwin, Callahan, Andrews, Trammell, Folmar, McCluskey and Cross:

H. 899. Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18 (f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

Banking.

By Messrs. Barron, Campbell, Riddick, Sasser, White, Smith (B), Hall, Armstrong, Leonard and Shelton:

H. 900. To provide for eligibility of Supernumerary District Attorneys by amending Section 1 of Act No. 1873, S. 255, 1971 Regular Session, Acts 1971, p. 3053 [(now appearing in Code of Alabama Recompiled 1958, Title 13, Section 260 (11b)], as amended.

Judiciary.

By Messrs. Cooper, Malone, Sonnier, Callahan, Teague, Lutz, Carter, Hines, Glass, McCulley, Sandusky, Johnson, Boles, Tucker, Hall, Hopping, Robertson, McNeas, Manley, McMillan, Holmes, Campbell, Mitchem, Kelley, Weeks, Taylor and Ford:

H. 901. Proposing an amendment to the Constitution of Alabama providing that the right to vote shall be restored to a convicted felon after a period of three years from the date of release from the

penitentiary or parole during which there have been no convictions for offenses other than minor traffic violations.

Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Campbell, Manley and McCorquodale:

H. 902. To name the new student union building at Livingston University "The George C. Wallace Union Building."

State Administration.

By Messrs. Robertson and Shelton:

H. 903. To amend Sections 1 and 8 of Act No. 999, H. 288 Regular Session 1969 (Acts 1969, p. 1855-1866, now appearing in Code of Alabama Recompiled 1958, Title 55, Section 475, (37 - 56), as last amended; to provide further for the Alabama Peace Officers Annuity and Benefits Fund; to redefine certain words and terms; to revise eligibility requirements and retirement benefits.

State Administration.

By Messrs. Falkenburg, Hall, McNees, Johnson, Robertson, Boles, McNair, Goodwin, White, Riddick, Greer, Hill, Ford, Taylor, Rich, Weeks, Martin, Biddle, Gafford, Carter, Moore (W), Naramore, Roberts, Cross, Sasser, Carothers and Waggoner:

H. 904. To amend further Section 362 of Title 52 of the Code of Alabama 1940, as amended, which relates to the Teachers' Retirement System of Alabama, so as to provide that the "average final compensation" used to calculate a member's retirement benefit will be based upon the three (3) years, rather than the five (5) years, of the final ten (10) years of membership service in which earnable compensation is highest. To provide for the redetermination of all retirement allowance payments due on or after October 1, 1975 to members who retired prior to said date, also to provide for necessary and proper appropriations.

Ways and Means.

By Messrs. Barron, Wyatt, Plaster, Folmar and Sasser:

H. 905. To validate, in certain cases, county or school district elections held to levy a special tax or consolidate school districts and invalid because of irregularities in the election procedure.

Constitution and Elections.

By Messrs. Johnstone, Cooper, Jackson (F), Smith (M), Baker, Morris, Andrews, McMillan, Weeks, Taylor, Mitchem, Pegues, Riddick, Greer, Robertson, Roberts, Cross, Hines, Sparks, Plaster, Quarles, Goodwin, Gregg, Holmes, Boles, Hall, Waggoner, Malone, Tucker, Lutz, Biddle, Smith (B), Killian, White, Lockett, LeFlore, Kinsey, Folmar, Turnham, Johnson, Howard, Hopping, Falkenburg, Leonard, Glass, Manley, Sandusky, Kennedy, Holley, Cates, Barron, Carothers, Williams, Crawford, Sasser, Dial, Teague, Crowe, Naramore, Carter, Lee, Moore (O), Albright, Hill, Rich, Kelley, Brindley, Starkey, Burgess, Shelton, Hilliard, McNair, Smith (C) and Callahan:

H. 906. To prescribe the procedure for securing the attendance of witnesses from without the state in criminal proceedings in Alabama and of witnesses within this state in criminal proceedings in other

states and providing penalties for failure to obey a summons to testify issued pursuant to this act.

Judiciary.

By Messrs. Johnstone, Cooper, Jackson (F), Smith (M), Baker, Andrews, Crowe, McMillan, Weeks, Taylor, Mitchem, Pegues, Riddick, Greer, Robertson, Roberts, Cross, Hines, Sparks, Plaster, Quarles, Goodwin, Holmes, Boles, Hall, Waggoner, Tucker, Lutz, Smith (B), Lockett, LeFlore, Kinsey, Folmar, Turnham, Malone, Johnson, Howard, Hopping, Falkenburg, Leonard, Glass, Manley, Sandusky, Kennedy, Holley, Cates, Carothers, Crawford, Sasser, Dial, Teague, Carter, Lee, Moore (O), Hill, Rich, Kelley, Starkey, Burgess, Shelton, Hilliard, McNair, Smith (C) and Callahan:

H. 907. To provide for the payment of witnesses summoned from another state under the "Uniform Act To Secure The Attendance Of Witnesses From Without A State In Criminal Proceedings" and for the taxing of said costs by the Circuit Clerk; and to provide for an appropriation for the provisions of this act.

Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Crowe:

H. J. R. 102. WHEREAS Alabama's abundant industrial, professional and commercial historic landmarks reflect significant national achievements in manufacturing, commerce, science, invention and technology; and

WHEREAS historic buildings adapted and used as offices, classrooms, libraries and laboratories favorably reflect the outstanding accomplishments of Alabama physicians, attorneys, scientists, engineers, and educators; and

WHEREAS too many of these evidences of Alabama's educational, professional, commercial and industrial heritage have been demolished or have eroded with the passing of time, urban upheaval, suburban sprawl, and change; and

WHEREAS a growing number of merchants, shopkeepers, bankers, professional and service concerns are adapting mansions and cottages for viable present day market place and official use, with restored extensions which appeal to tourists and contribute to the economy;

NOW THEREFORE BE IT RESOLVED that the Alabama legislature create the Historic Resources Adaptors Council. Adaptors, in cooperation with the Alabama Historical Commission, shall develop a program adapting, renovating and rehabilitating both residential and commercial landmarks with architectural and historic appeal.

The lieutenant Governor shall appoint three members from State at large, and the Speaker of the House of Representatives shall appoint two members from State at large from a list of nominees submitted by the Alabama Historical Commission to consist of affiliates who "work, serve or sell" in historic landmarks. The Alabama Historical Commission shall appoint two members from State at large; and the executive director of the Alabama Historical Commission, or his staff designee shall serve as an ex-officio member. The members of the Council shall consist of a representative of the Alabama State Chamber of Commerce, Alabama Bar Association, Association of Industries of

Alabama, Alabama Retail Merchants Association, Medical Association of Alabama, Alabama Bankers Association, Alabama Education Association, Alabama League of Municipalities, and Central Alabama Regional Preservation Council.

Members will serve terms of four (4) years each and shall serve without compensation and will meet no more than three times a year, one of which shall be in conjunction with the Annual Meeting of the Alabama Historical Commission.

The Historic Resource Adaptors Council is charged to, in cooperation with the Alabama Historical Commission to organize local, regional and area councils which will promote and encourage Alabamians to adapt, renovate, and rehabilitate industrial, professional and commercial historic landmarks.

The resolution, H. J. R. 102, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Crowe:

H. J. R. 103. CONTINUING THE ENVIRONMENTAL LAND AND WATER MANAGEMENT COMMITTEE.

WHEREAS, There is a need for a continuation of the environmental land and water management committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the committee be continued as follows:

(1) The environmental land and water management committee shall consist of seven members. The president of the Senate shall appoint three members. The Speaker of the House shall appoint four members. Members of the committee shall be entitled to receive their regular legislative compensation and allowances for each day while in attendance of committee meetings, when not drawing their regular legislative pay; but in no event shall the committee's expenses and compensation exceed \$5,000.00 which shall be paid out of any funds appropriated to the use of the legislators. The committee shall continue in existence until its duties are terminated, but not later than the tenth legislative day of the 1977 Regular Session, at which time the committee shall be dissolved.

(2) The committee shall continue to study all facets of land resource management and land development regulation with a view toward insuring that Alabama's land use laws give the highest quality of human amenities and environmental protection consistent with a sound and economic pattern of well planned development, and shall recommend such new legislation or amendments to existing legislation as are needed to achieve that goal.

(3) As part of its work the committee shall review the land use laws of other states, the relevant federal laws, the progress of the American Law Institute's project to draft a model land development code, and the general pattern of courts' decisions in the land use area. The committee shall examine techniques for encouraging new types of well planned development including methods of regulating planned unit developments and new communities.

(4) The committee shall also consult with local governments and regional planning agencies regarding their land use problems, consult

with relevant state agencies, and shall obtain the views of the public, including the views of businesses and professions concerned with use of land, and of other interested groups.

(5) The committee shall be authorized to apply for and accept any available federal grants for such studies.

(6) The committee shall be authorized to appoint such advisory committees, representatives of state and local governmental organizations and professional organizations which, in the determination of the committee, shall facilitate the studies of said committee.

(7) The committee shall prepare and submit to the governor and the legislature not later than the tenth legislative day of the 1976 Regular Session, a report which shall contain:

(a) Such proposals for changes in legislation as are recommended by the committee.

(b) Drafts of model development ordinances which will assist local governments in adopting development ordinances as required by this act;

(c) Analyses of and comments on other relevant state-commissioned studies and reports;

(d) Review of, and recommendations on, the current status and effectiveness of regional planning agencies with regard to land and water management; and

(e) Such other findings and recommendations as the committee chooses to make.

(8) The Alabama Development Office shall provide necessary staff to the committee.

(9) Prior to submitting any recommendation or issuing any rule under this resolution, the Office of State Planning shall consult with and obtain the advice of the committee.

The resolution, H. J. R. 103, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Holmes:

H. J. R. 104. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES CONCURRING, That each department in the State of Alabama be encouraged to implement hiring practice as set forth in the State Trooper Case and in United States vs. Frazier as supplemented.

On motion of Mr. Holmes, the rules were suspended and the resolution, H. J. R. 104, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 5. Commending the WBAM "All American" Basket Ball Team.

Also:

S. J. R. 6. Congratulating the Emma Sansom High School Rebel Marching Band.

Also:

S. J. R. 10. Commending the Phenix City Jaycees and Jaycettes.

Also:

S. J. R. 16. Mourning the death of Captain Willie B. Painter.

Also:

S. J. R. 17. Commending Frank G. Turner on his retirement.

Also:

S. J. R. 18. Commending the Fort Dale Academy girls basketball team.

Also:

S. J. R. 27. Mourning the death of Coach Pete Lee.

Also:

S. J. R. 31. Congratulating Senator Sam L. Adams on the birth of his son.

Also:

S. J. R. 21. Designating Tannehill State Park a Folk Life Center.

Also:

S. J. R. 30. Urging Senators Sparkman and Allen to lend support and influence to the efforts of Boy Scout Troop 15 of Montgomery to arrange a cultural exchange with a similar youth group from the Soviet Union.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

Under the provisions of S. J. R. 14, the President and Presiding Officer has appointed Messrs. Edwards, Stewart, Bank, Shelby and Waldrop as Senate members of the Joint Committee to Study Medicare and Medicaid.

McDOWELL LEE,
Secretary.

COMMITTEE APPOINTED

Under the provisions of S. J. R. 14, the Speaker of the House appointed Messrs. Porter, White, Pegues, Smith (B) and Falkenburg as House members of the Joint Committee to Study Medicare and Medicaid.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. McMillan, Kinsey, Smith (J), McCorquodale, Callahan, Sandusky, Hill, Malone, Hines, Crowe, Mitchem, Morris, Carter, Biddle, McNees, Lutz, White, Starkey, Johnson, Clark, Sparks, Moore (O), Drake, Dial, Cooper, Armstrong, Martin, McCluskey, Kelley, Waggoner, Teague, Quarles, Falkenburg, Cates, Whatley, Higginbotham, Edwards, Pegues, Shelton, Ford, Turnham, Folmar, Sasser, Lockett, Owens, Jackson (F), Campbell, Manley, Robertson, Sonnier, Kennedy, McCulley, Warren, Johnstone, Carothers, Harris, Barron, Crawford, Smith (M), Cross and Venable:

H. J. R. 105. PETITIONING THE CONGRESS OF THE UNITED STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION WHICH WOULD PROHIBIT DEFICIT SPENDING BY THE GOVERNMENT OF THE UNITED STATES, EXCEPT IN TIMES OF NATIONAL EMERGENCY.

WHEREAS an ever-increasing public debt is inimical to the general welfare of the people of the United States; and

WHEREAS the national debt is already dangerously high and any further increases will be harmful and costly to the people of the United States; and

WHEREAS a continuous program of deficit financing by the Federal Government is one of the greatest factors supporting the inflationary conditions presently existing in this country and therefore has been the chief factor in reducing the value of the American currency; and

WHEREAS payment of the increased interest required by the ever-increasing debt would impose an undue hardship on those with fixed incomes and those in lower income brackets; and

WHEREAS it is not in the best interest of either this or future generations to continue such a practice of deficit spending particularly since this would possibly deplete our supply of national resources for future generations; and

WHEREAS by constantly increasing deficit financing the Federal Government has been allowed to allocate considerable funds to wasteful and in many instances nonbeneficial public programs; and

WHEREAS by limiting the Federal Government to spend only the revenues that are estimated will be collected in a given fiscal year, except for certain specified emergencies, this could possibly result in greater selectivity of Federal Government programs for the benefit of the public and which would depend upon the willingness of the public to pay additional taxes to finance such programs; and

WHEREAS there is provision in Article V of the Constitution of the United States for amending the Constitution by the Congress, on the application of the legislatures of two-thirds (2/3) of the several states, calling a convention for proposing amendments which shall be

valid to all intents and purposes when ratified by the legislatures of three-fourths ($\frac{3}{4}$) of the several states, or by conventions in three-fourths ($\frac{3}{4}$) thereof, as the one or the other mode of ratification may be proposed by the Congress; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama hereby petitions the Congress of the United States to convene a convention, pursuant to Article V of the Constitution of the United States, for the specific and exclusive purpose of proposing an amendment which would prohibit deficit spending by the Government of the United States, except in times of a national emergency.

BE IT RESOLVED FURTHER, That the legislature of each of our sister states is urged to give the most serious consideration to the problems arising from deficit spending, and to petition the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment which would prohibit deficit spending by the Government of the United States, except in times of national emergency.

BE IT RESOLVED FURTHER AND ALTERNATIVELY, That this body strongly urges the Congress of the United States to prepare and submit to the several states an amendment to the Constitution of the United States that would prohibit such deficit spending.

BE IT RESOLVED FURTHER, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the Alabama Congressional Delegation, and to the executive authority of each of our sister states for transmittal to its legislature.

The resolution, H. J. R. 105, was read and referred to the Standing Committee on Rules.

Also:

By Messrs. Greer, Hill and Coburn:

H. J. R. 106. WHEREAS the lovely Miss Long has just completed her term as Miss Alabama; and

WHEREAS she is a senior at the University of North Alabama in Florence where she is an honor student; and

WHEREAS Miss Long is very active in every aspect of college life. She is president of her sorority (Phi Mu), a Senator in the SGA, and a member of The Gold Triangle, The Blue Triangle, the University Players, the Collegiate Singers, the Association of Women Students, the Debate Team, the English Honor Society (Sigma Tau Delta) and the Homecoming Court; and

WHEREAS the charming and talented Miss Pamela Kaye Long has received many honors and awards. She was Diorama Beauty, Pi Kappa Alpha "Dream Girl" (and first runner-up for National "Dream Girl"), Miss UNA, Miss Madison County Maid of Cotton, and a member of Who's Who in American Colleges and Universities; and

WHEREAS Miss Long exemplifies those attributes and qualities of Southern Womanhood which we all admire and respect; and

WHEREAS Miss Long is an asset to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Miss Pamela Kaye Long for her long list of accomplishments and wish her success in her current employment in the Governor's Office.

RESOLVED FURTHER, That a copy of this resolution be sent to Miss Long and to her parents, Mr. and Mrs. Robert C. Long.

On motion of Mr. Greer, the rules were suspended and the resolution, H. J. R. 106, was adopted.

Also:

By Messrs. Coburn, Greer, Callahan, Waggoner, Hill and Goodwin:

H. J. R. 107. COMMENDING MISS ANITA SUE VAUGHAN, "MISS ALABAMA 1975-1976"

WHEREAS the beautiful Miss Susie Vaughan was selected June 14 as the new "Miss Alabama"; and

WHEREAS Miss Vaughan is an elementary education major at the University of North Alabama; and

WHEREAS Miss Vaughan was chosen as the 1974-1975 "Miss UNA," the 1974 Homecoming Queen, the 1972-1973 Diorama Beauty Queen and the 1974 Lauderdale Maid of Cotton; and

WHEREAS the talented and vivacious Miss Vaughan is active in many college activities. She is a member of Phi Mu Sorority, the Collegiate Singers, the Lionettes and the Association of Women Students; and

WHEREAS this legislature would like to pay tribute to this charming young lady who has been chosen to represent Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and commend Miss Anita Sue Vaughan for having been chosen "Miss Alabama 1975-1976".

RESOLVED FURTHER, That a copy of this resolution be sent to Miss Vaughan and to her parents Mr. and Mrs. Charles Price Vaughan, Jr. Also send a copy to the Florence Times and Tri-Cities Daily.

On motion of Mr. Coburn, the rules were suspended and the resolution, H. J. R. 107, was adopted.

Also:

By Mr. Moore (O):

H. J. R. 108. COMMENDING MRS. FLORENCE C. HURST.

WHEREAS Mrs. Florence C. Hurst retires this month after being a first grade teacher at Leeds Elementary School in Talladega County for 40 years; and

WHEREAS Mrs. Hurst in 1972 was chosen an Outstanding Elementary Teacher of America; and

WHEREAS Mrs. Hurst's enthusiasm for her work, her devoted services to her community, her wit and personal charm endear her to all who know her; and

WHEREAS in addition to teaching first grade, Mrs. Hurst has conducted a private kindergarten for two years; represented Teacher's Publishing Co. for five summers; directed a Head Start program for two summers; and handled the mail circulation for the Leeds News on and off for many years; and

WHEREAS Mrs. Hurst has always been active in civic work. Not only has she been a contributing member of the elementary's PTA, but she has also served for many years as the school's representative to the Jefferson County Teacher's Association; and

WHEREAS as a member of Leeds First United Methodist Church, Mrs. Hurst has been a Sunday School teacher superintendent of the children's department and a member of the board of stewards; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we commend Mrs. Florence C. Hurst for her many years of service to the Leeds community and wish her much happiness in her years of retirement which she so richly deserves.

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Hurst.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 108, on the Clerk's desk for one legislative day.

Also:

By Messrs. Robertson, Albright, Andrews, Armstrong, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Killian, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams:

H. J. R. 109. URGING CONGRESS AND THE PRESIDENT NOT TO RELINQUISH THE PANAMA CANAL.

WHEREAS U. S. ownership of the Panama canal is essential to American defense and security as well as to the American economy; and

WHEREAS the United States financed and built the Panama Canal with a construction period of about 10 years in the early part of this century at what was then a great cost; and

WHEREAS the United States acquired title to the canal zone in perpetuity; and

WHEREAS the canal zone is considered a government reservation; and

WHEREAS it is imperative to Alabama and Southern economy that the U. S. retain control of the canal; and

WHEREAS some liberals in Congress desire to relinquish American title to the Panama canal; and

WHEREAS such foolhearty action would be not only destructive but also dangerous; and

WHEREAS this legislature recognizes the seriousness of such proposed action and is adamantly opposed to it; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge Congress and the President not to surrender any title to or interest in the Panama Canal.

RESOLVED FURTHER, That a copy of this resolution be sent to the President of the United States and to each member of the Alabama Congressional Delegation.

On motion of Mr. Robertson, the rules were suspended and the resolution, H. J. R. 109, was adopted.

Also:

By Mr. Lutz:

H. R. 110. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That the proposed rule as set forth below be adopted as an addition to House Rule 43.

Provided further that, as to bills relating to Madison or Montgomery County, a majority of the members of the House representing portions of the respective county to which a particular bill relates shall constitute a quorum of the Legislation No. 4 Committee.

On motion of Mr. Lutz, the resolution, H. R. 110, was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Albright, Barron, Burgess, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Dial, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holmes, Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McNees, Merrill, Mitchem, Moore (W), Naramore, Owens, Plaster, Riddick, Robertson, Shelton, Smith (B), Sonnier, Starkey, Teague, Weeks, Williams and Wyatt.

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RESOLUTIONS

The following resolutions introduced on the eighth legislative day were read by title pursuant to Joint Rule 11:

H. R. 95. CONGRATULATING EUGENE R. HUDSON FOR BEING NAMED MOST OUTSTANDING FUNERAL DIRECTOR IN ALABAMA.

H. J. R. 96. MOURNING THE DEATH OF MRS. HELEN ROBBS WALLIS.

H. J. R. 98. COMMENDING DOUGLAS O. BENTON.

H. R. 100. WISHING THE SPEEDY RECOVERY OF MRS. CURTIS L. DOBBS, SR.

On motion of Mr. Crowe, the resolutions were adopted en masse.

BILLS ON THIRD READING

And the bill:

H. 712. (With Substitute): To authorize county and municipal governments in counties with populations of not less than 24,000 nor more than 24,800 according to the most recent federal decennial census to enter into cooperative agreements for the administration of comprehensive land management controls as authorized under Act No. 119, H. 132, 1971 Third Special Session (Acts of Alabama 1971, Vol. V, p. 4346), and as required to allow such governmental units to meet the requirements of the National Flood Insurance Act of 1968, as amended.

Having been postponed on the eighth legislative day, was again taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To authorize county and municipal governments in counties with populations of not less than 24,000 nor more than 24,800 according to the most recent federal decennial census to enter into cooperative agreements for the administration of comprehensive land management controls as authorized under Act No. 119, H. 132, 1971 Third Special Session (Acts of Alabama 1971, Vol. V, p. 4346), and as required to allow such governmental units to meet the requirements of the National Flood Insurance Act of 1968, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Any county and municipal governments in counties with populations of not less than 24,000 nor more than 24,800 inhabitants according to the most recent federal decennial census, may enter into cooperative agreements, whereby the county governing body is authorized to adopt and regulate within each municipality in said county, at the request of each such municipality, those comprehensive land management controls as authorized under Act No. 119, H. 132, 1971 Third Special Session (Acts of Alabama 1971, Vol. V, p. 4346), and as required to allow such governmental units to meet the requirements of the National Flood Insurance Act of 1968, as amended.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higgin-

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botham, Hill, Hines, Holley, Holmes, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, LeFlore, Lewis, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Weeks, Whatley, Williams and Wyatt.

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And the bill, H. 712 as amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Barron, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Whatley and Wyatt.

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And the bill:

H. 780. To amend Section 3.06 of Act No. 404, S. 430, 1953 Regular Session, (Acts of 1953, p. 472), as amended, entitled "An Act To permit any city in the State of Alabama having a population of more than thirty thousand and not exceeding thirty-three thousand according to the last or any succeeding federal census to adopt the council-manager form of municipal government, to provide for the calling and holding of elections to vote thereon, to provide for the election and term of the first council, to define the legal status, form of government and powers of the city, to provide for subsequent elections of members of the council, their number and their terms of office, to provide for the qualification, powers and authority of the council, the mayor and the city clerk, and for the election of the mayor and city clerk, to provide for the appointment and removal and to define the powers of the city manager, to provide for an annual budget, its preparation, submission, adoption and effect, to create and define the powers and duties of a department of finance and of the director thereof, to regulate purchases and contracts of the city, and to define their powers and authority, to set up the terms and effects of succession in government of any city adopting the council-manager form of government, to provide for the establishment and reestablishment of wards, to make various other provisions for such form of government of any such city, and to provide for the means of abandoning the council-manager form of government," so as to provide that candidates for the post of council member may also run for the designated post of mayor, with the candidate receiving the greatest number of votes being automatically designated mayor for a four-year term.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Brindley, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Cross, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill,

Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Williams and Wyatt.

—69

And the bill:

H. 210. To amend further Act No. 172, H. 187, 1st Special Session 1964, as further amended which Act related to Judicial Circuits composed of one county and having not less than six nor more than nine Circuit Judges, by increasing the salary range for the Administrative Assistant to the District Attorney and the two Legal Stenographers and the addition of a Legal Stenographer in such counties.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Boles, Brindley, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Naramore, Owens, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Warren, Williams and Wyatt.

—67

And the bill:

H. 717. Relating to counties having a population of not less than 15,400 and not more than 15,625, according to the last federal decennial census; to provide that the county commission or other like governing body shall provide without charge therefore, appropriate office space in the county courthouse for any member of the state legislature representing any portion of such counties.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Boles, Brindley, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

—73

And the bill:

H. 211. Relating to Judicial Circuits composed of one county and having not less than six or more than nine Circuit Judges; to provide for the appointment in said Circuits of one Grand Jury Bailiff; to prescribe his duties, to fix his term of employment and to prescribe his compensation and provide for the payment of his compensation out of the General Fund of the County.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Andrews, Barron, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

—69

And the bill:

H. 229. To provide that in every county having a population of not less than 300,000 nor more than 500,000 inhabitants according to the last or any succeeding census, the county governing body of the county is authorized to pay a monthly pension to any public law librarian upon retirement, and the chief circuit judge of the judicial circuit comprising such county is authorized to pay an additional monthly pension from any law library fund to such law librarian upon such retirement; and to prescribe the terms and conditions of such retirement and such pensions.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Barron, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Sandusky, Sasser, Shelton, Smith (B), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—76

And the bill:

H. 355. To amend further section 1 of Act No. 192 H 262 First Special Session 1964 (Acts 1964, P. 256) an Act providing an annual allowance for purchasing uniforms for deputy sheriffs in counties having

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populations of not less than 300,000 nor more than 500,000 so as to regulate further the amount of such allowance.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—74

And the bill:

H. 360. To further regulate the fees and allowances in criminal cases of sheriffs in all counties having populations of not less than 300,000 nor more than 500,000 inhabitants according to the most recent or any subsequent Federal decennial census.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—76

And the bill:

H. 363. (With Amendment): Relating to counties having a population of not less than 300,000, nor more than 500,000 inhabitants according to the most recent federal decennial census, to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners, to provide that the provisions of this Act shall be effective upon passage.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend House Bill 363 by adding an additional paragraph:

"Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law."

And the amendment was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—79

And the bill, H. 363 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Cross, Dial, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—77

And the bill:

H. 364. To authorize the Sheriff of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint an administrative assistant, to provide for the appointment for such administrative assistant, the term of office of such administrative assistant, to provide for the salary of such administrative assistant, and the method of payment of such salary.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard,

Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—78

And the bill:

H. 365. (With Amendment): To regulate further the fees of sheriffs in all counties of this State having populations of not less than 300,000 and not more than 500,000 according to the most recent federal decennial census.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend House Bill 365 in Section 1, line 32, to read:

"Taking and approving bonds of every kind . . . \$2.00"

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Biddle, Boles, Brindley, Burgess, Campbell, Carothers, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—77

And the bill, H. 365 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—80

And the bill:

H. 366. (With Amendment): To authorize the Sheriff of any county having a population of not more than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint a secretary, to provide for the appointment of such secretary, the term of office of such secretary, to provide for the salary of such secretary, and the method of payment of such secretary.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend House Bill 366 on line 2 by deleting the word "more" the first time it appears and inserting in lieu thereof the word "less".

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—81

And the bill:

H. 366. To authorize the Sheriff of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint a secretary, to provide for the appointment of such secretary, the term of office of such secretary, to provide for the salary of such secretary, and the method of payment of such secretary.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—78

And the bill:

H. 377. (With Amendment): To provide retirement benefits for elected officials in any municipality in the State of Alabama having a population, according to the most recent Federal census, between 175,000 and 225,000 persons, and to provide for the payment of such benefits.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend House Bill 377 by striking Section Two in its entirety beginning at line 14 through line 21, and renumbering subsequent sections accordingly.

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—77

And the bill, H. 377 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Jackson (F), Johnson, Johnstone, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—76

And the bill:

H. 378. To fix the compensation or salary of the Clerk of the Circuit Court in all counties of Alabama having a population of not less than 300,000 nor more than 500,000, according to the last or any subsequent Federal decennial census, and to provide for the payment thereof.

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Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (C), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—77

And the bill:

H. 380. To provide an expense allowance for the incumbent Circuit Court Clerk in all counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent Federal decennial census, said expense allowance to commence October 1st, 1975 and to expire at the end of the present term of office of the incumbent Circuit Court Clerk in such counties, and said expense allowance to be payable monthly in the sum of \$200.00 out of the general funds of the respective counties.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—80

And the bill:

H. 570. To amend further Section 1 of Act No. 440, S. 186, Special Session 1966 (Acts 1966, p. 597) relating to the sheriff's department and counties having populations of not less than 300,000 nor more than 500,000.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Barron, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Coburn, Crawford, Cross, Crowe, Edwards, Falk-

enburgh, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—74

And the bill:

H. 574. To amend Act No. 2441, of the 1971 Legislature (Acts 1971, page 3903), entitled "An Act To provide that the governing body of any municipality having a population of not less than 175,000 nor more than 300,000 according to the most recent federal decennial census, may appoint the chief of police of such municipality in event of a vacancy, from the number of officers of the police force who hold the rank of captain or above, without regard to any civil service or personnel board rules or regulations concerning such appointment and providing that such governing body may fix the compensation of said chief of police, and his status in any civil service system in such municipality.

Was taken up.

Mr. Sonnier offered the following amendment to the bill, H. 574:

Amend H. B. 574 by adding the following after the word municipality in line 16 on page 2: The governing body may make this act retroactive to January 1, 1975.

And the amendment was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Barron, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Jackson (F), Kelley, Kennedy, Killian, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Naramore, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Turnham, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—66

And the bill, H. 574 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Coburn, Cooper, Crawford, Cross, Crowe, Falkenburg, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Lee, LeFlore, Leonard, Lewis, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill,

Mitchem, Naramore, Owens, Plaster, Quarles, Reed, Rich, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Taylor, Turnham, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—69

And the bill:

H. 589. To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to visit each legislative house district for the purpose of accepting forms for the reidentification of voters and for the purpose of accepting applications for the registration of voters; to provide for the designation of places to be visited; to provide further for the compensation and mileage of members of the board.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Andrews, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Naramore, Owens, Plaster, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Cooper, Sandusky, and Kennedy as co-sponsors to the bill, H. 589.

And the bill:

H. 782. Relating to Mobile County: To amend further Section 1 of an Act approved June 28, 1940 (Act No. 594, H. 1044, Local Acts of Alabama, 1939, p. 355), placing the Sheriff of Mobile County, Alabama, on a salary basis.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Plaster, Reed,

Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—76

And the bill:

H. 783. To further amend Section 2 of an Act of the Legislature of Alabama being Local Act. No. 102 approved June 3, 1975, page 59 of the Local Acts of 1943 as amended by an Act of the Legislature of Alabama being Local Act No. 784 approved September 8, 1961, page 1136 of the Local Acts of 1961, entitled: "To authorize the Sheriff of Mobile County, Alabama, to select and appoint an attorney to advise and counsel him on the operation of such office and to handle all legal matters pertaining to said office; to provide for the manner of the appointment of such attorney, the term of office of such attorney; to provide for the salary of such attorney and the method of payment of such salary."

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Clark, Coburn, Cooper, Crawford, Crowe, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Naramore, Owens, Pegues, Plaster, Reed, Rich, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—75

And the bill:

H. 755. To amend further Section 4 of Act No. 1292, H. 1795, Regular Session 1971 (Acts of 1971, p. 2220), which act creates the office of commissioner of licenses in counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census, so as to provide for the appointment of a deputy commissioner of licenses in such counties.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robert-

son, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—82

And the bill:

H. 756. Relating to counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census, providing for the salaries of the deputy circuit clerk, the deputy tax assessor, the deputy tax collector, and the deputy license commissioner of such counties.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Burgess, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—82

And the bill:

H. 765. To authorize the county commissions of all counties having populations of not less than 17,000 nor more than 20,000 to provide for the relief of Dan Powell to pay for dentist bills incurred due to a broken tooth received while working for the county.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Brindley, Burgess, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—77

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Malone, the rules were suspended in order to bring up out of order the bills, H. 786 and H. 785.

Yeas 26; Nays 4.

Yeas:

Messrs.: Albright, Burgess, Campbell, Coburn, Cooper, Ford, Glass, Hines, Hopping, Howard, Jackson (F), Johnson, Johnstone, Kennedy, LeFlore, McCulley, McNair, Malone, Moore (W), Reed, Robertson, Sasser, Shelton, Sonnier, Teague and Tucker.

—26

Nays: Messrs. Callahan, Gregg, McMillan and Sandusky.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO TABLE LOST

The motion offered by Mr. Johnstone to table the motion offered by Mr. Callahan that the bills, H. 786 and H. 785 be recommitted, was lost.

Yeas 5; Nays 5.

Yeas: Messrs. Johnstone, LeFlore, McCulley, Malone and Sonnier. —5

Nays: Messrs. Callahan, Cooper, Glass, McMillan and Sandusky. —5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO RECOMMIT LOST

The motion offered by Mr. Sandusky that the bills, H. 786 and H. 785, be recommitted, was lost.

Yeas 4; Nays 7.

Yeas:

Messrs.: Callahan, Kennedy, McMillan and Sandusky.

—4

Nays:

Messrs.: Cooper, Glass, Johnstone, LeFlore, McCulley, Malone and Sonnier.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO RECONSIDER

Having voted on the prevailing side on the motion by which the rules were suspended in order to bring up out of order the bills, H. 786

and H. 785, Mr. Campbell moved to reconsider the vote by which the motion was adopted.

MOTION TO TABLE LOST

The motion offered by Mr. Cooper to table the motion offered by Mr. Campbell was lost.

Yeas 6; Nays 8.

Yeas:

Messrs.: Cooper, Glass, McCulley, Malone, Sonnier and Tucker.

—6

Nays:

Messrs.: Callahan, Campbell, Johnstone, Kennedy, LeFlore, McMillan, Manley and Sandusky.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION WITHDRAWN

Mr. Campbell withdrew his motion to reconsider the vote by which the rules were suspended in order to bring up out of order the bills, H. 786 and H. 785.

And the bill:

H. 786. To provide that the employees of any city having a population of not less than 175,000 nor more than 275,000 according to the most recent federal decennial census, may by election designate a bargaining agent to represent them in respect to the wages the city employing them shall pay them and in respect to other conditions of employment; to provide for calling and conducting elections to certify a bargaining agent and elections to decertify a bargaining agent; to authorize the director of labor of the State of Alabama to establish rules and regulations governing the call of, notice of, and conduct of such elections; to provide for collective bargaining proceedings to be instituted by the bargaining agent or the officer or body empowered to establish wages for the employees; to provide for compulsory arbitration; to provide for the appointment of arbitrators and define their jurisdiction and authority; to provide that the arbitrators' decisions shall be binding upon all parties; to provide for the enforcement of such decisions by the circuit court; to provide that it shall be unlawful for an employee to strike or engage in any work stoppage or slowdown; and that it shall be unlawful for any bargaining agent, or any officer or body empowered to establish wages for employees to fail to bargain in good faith, in accordance with this act, or to fail to carry out any decision rendered by the arbitrators; to provide penalties for any person violating this act; and to repeal all laws or parts of laws, whether general, special or local, in conflict with this act.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 9; Nays 2.

Yeas:

Messrs.: Callahan, Cooper, Glass, Johnstone, Kennedy, LeFlore, McCulley, Malone and Sonnier.

—9

Nays:

Messrs.: McMillan and Sandusky.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 786 RECONSIDERED

Having voted on the prevailing side, Mr. Callahan moved to reconsider the vote by which the bill, H. 786, was passed, and the motion was adopted.

Yeas 12; Nays 0.

Yeas:

Messrs.: Callahan, Cooper, Glass, Johnstone, Kennedy, LeFlore, Lutz, McCulley, McMillan, Malone, Sandusky and Sonnier.

—12

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 786, was again read at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 8; Nays 3.

Yeas:

Messrs.: Cooper, Glass, Johnstone, Kennedy, LeFlore, McCulley, Malone and Sonnier.

—8

Nays:

Messrs.: Callahan, McMillan and Sandusky.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 785. To provide that the employees of any county having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal decennial census, any city in any such county, except a city having a population of more than 175,000 according to this same census, any municipal utility board, any

other municipal agency, and any municipal public or quasi-public corporation, and any other governmental entity within such county, may by election designate a bargaining agent to represent them in respect to the wages the governmental entity employing them shall pay them and in respect to other conditions of employment; to provide for calling and conducting elections to certify a bargaining agent and elections to decertify a bargaining agent; to authorize the director of labor of the State of Alabama to establish rules and regulations governing the call of, notice of, and conduct of such elections; to provide for collective bargaining proceedings to be instituted by the bargaining agent or the officer or body empowered to establish wages for the employees; to provide for compulsory arbitration; to provide for the appointment of arbitrators and define their jurisdiction and authority; to provide that the arbitrators' decisions shall be binding upon all parties; to provide for the enforcement of such decisions by the circuit court; to provide that it shall be unlawful for an employee to strike or engage in any work stoppage or slowdown; and that it shall be unlawful for any bargaining agent, or any officer or body empowered to establish wages for employees to fail to bargain in good faith, in accordance with this act, or to fail to carry out any decision rendered by the arbitrators; to provide penalties for any person violating this act; and to repeal all laws or parts of laws, whether general, special or local, in conflict with this act.

Was taken up.

MOTION TO RECOMMIT

Mr. Cooper offered the motion that the bill, H. 785, be recommitted to the Standing Committee on Local Legislation No. 3.

H. 785 POSTPONED

The substitute motion offered by Mr. Malone to postpone the bill, H. 785, to the tenth legislative day was adopted.

Yeas 8; Nays 2.

Yeas:

Messrs.: Cooper, Glass, Johnstone, Kennedy, LeFlore, McCulley, Malone and Sonnier.

—8

Nays:

Messrs.: McMillan and Sandusky.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. McCulley, the rules were suspended in order to bring up out of order the bill, H. 515.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Brindley, Campbell, Carter, Cates, Co-burn, Crawford, Crowe, Folmar, Glass, Goodwin, Greer, Harris, Higgin-

botham, Hill, Hines, Holley, Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Lewis, Lutz, McCulley, McMillan, McNair, Malone, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

—58

And the bill:

H. 515. (With Amendment): To increase the expense account for the district attorney and the court reporter of the First Judicial Circuit by \$225 a year.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend H. B. 515 by deleting the word on lines 19, 23 and 28 which is stricken through, viz; year and insert in lieu thereof the following word: month.

And the amendment was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Johnson, Johnstone, Jolly, Kelley, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—80

And the bill:

H. 515. To increase the expense account for the district attorney and the court reporter of the First Judicial Circuit by \$225 a month.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—80

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Gafford, the rules were suspended in order to bring up out of order, the bill, H. 571.

Yeas 29; Nays 3.

Yeas:

Messrs.: Callahan, Campbell, Cates, Cooper, Crowe, Folmar, Gafford, Glass, Harris, Hines, Hopping, Johnson, Johnstone, Kennedy, Lewis, McCulley, McMillan, Malone, Mitchem, Moore (O), Moore (W), Plaster, Sandusky, Smith (J), Sonnier, Trammell, Venable, Waggoner and White.

—29

Nays:

Messrs.: Hall, Hilliard and Leonard.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 571. Pursuant to provisions of Section 155, Article VI of the Constitution of Alabama as amended (Section 6.16 of Amendment CCCXXVIII, proclaimed December 27, 1973), this bill creates and provides for supernumerary-retired probate judges in counties having a population of 300,000 and over, according to the last or any subsequent federal census, similar to and equal with provisions of law for circuit judges in such counties, and provides for continuation of service; creates and establishes the probate judges retirement fund in such counties for the purpose of providing for the payment of retirement and disability benefits for such judicial officers; prescribing the qualifications, term, duties, powers, authority, compensation and benefits of any such county supernumerary-retired probate judge of such counties; providing for payment of contributions into such fund by any eligible probate judge and for payments out of the county general fund or from fees and commissions collected by the probate court and paid into the county general fund. It provides for carrying out the provisions of this Act, and regulates the administration and supervision thereof.

Was taken up.

Mr. Callahan offered the following substitute to the bill:

A BILL
TO BE ENTITLED
AN ACT

Pursuant to provisions of Section 155, Article VI of the Constitution of Alabama as amended (Section 6.16 of Amendment CCCXXVIII, proclaimed December 27, 1973), this bill creates and provides for Supernumerary-Retired Probate Judges in counties having a population of 300,000 and over, according to the last or any subsequent federal census, similar to and equal with provisions of law for Circuit Judges in such counties, and provides for continuation of service; creates and establishes the Probate Judges Retirement Fund in such counties for the purpose of providing for the payment of retirement and disability

benefits for such judicial officers; prescribing the qualifications, term, duties, powers, authority, compensation and benefits of any such county Supernumerary-Retired Probate Judge of such counties; providing for payment of contributions into such fund by any eligible probate judge and for payments out of the county general fund or from fees and commissions collected by the probate court and paid into the county general fund. It provides for carrying out the provisions of this Act, and regulates the administration and supervision thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established in the county treasury of each county of 300,000 population and over, according to the last or any succeeding census, subject to this Act, a continuing fund to be known as the Probate Judges Retirement Fund. The fund shall be made up from contributions from the judges of probate courts of each such county coming under this Act, and from sums to be paid into such fund from the general fund-or from the fees and commissions paid into the county general fund from the probate court of each such county in such amount as shall be sufficient to carry out the provisions of this Act.

Section 2. The Probate Judges Retirement Fund shall be administered by the County Treasurer, or officer of the county whose duties are those of treasurer, or custodian of the county funds, and such official shall be the trustee of such fund. The county governing body shall issue warrants or other directives for the disbursement of such fund in the same manner that other employees, supernumerary or retired judges in said county are paid. Any person eligible for any payment from such fund who is aggrieved by any decision or act shall have the right to have any such controversy decided by three circuit judges in such county who shall be appointed by the presiding circuit judge in such county, and the decision of the majority of such judges shall be final.

Section 3. Every judge of the Probate Court in any such county of the state now holding office shall have the right to come under the provisions of this Act. Each such judge holding office at the time of the adoption of this Act shall have the right within three years from the adoption of this Act to file with the Clerk of the Circuit court of such county an instrument in writing electing to come under the provisions of this Act. Each Judge of Probate of such counties hereafter elected or appointed to office shall come under the provisions of this Act as a matter of law, "except, and provided, that such judge may elect not to come under the provisions of this Act by filing within three years after his appointment or election with the clerk of the circuit court an instrument in writing electing not to come under the provisions of this Act." After the taking effect of this Act, each such judge of probate who has elected to come under the provisions of this Act as herein provided or who comes under the provisions of this Act by operation of law, shall contribute to the Probate Judges Retirement Fund four and one-half percent of his or her earnable compensation or salary. Such percentages shall be deducted by the county treasurer from each such probate judge's salary and paid into the Probate Judges Retirement Fund in the county treasury, and credited to the individual account of the probate judge from whose salary it was deducted.

Section 4. Every probate judge who is a member of the Probate Judges Retirement Fund who meets the requirements for retirement prescribed in this Act shall be entitled to be retired and to receive

a pension as hereinafter provided. Such retirement shall be upon the request of the member to be retired, or on order of the presiding judge of the circuit court of such county.

Section 5. Any Probate Judge or a person having served as Probate Judge of any county of this state having a population of 600,000 or more, according to the last or any succeeding federal census, serving when this Act becomes law, who elects to become a member of the Probate Judges Retirement Fund hereby established, and any probate judge hereafter assuming such office may elect to be retired pursuant to this Act, if he or she:

(1) has served fifteen years or more as probate judge and who is not less than sixty-two years of age; or who has served as such continuously for more than fifteen years and has attained age 62 less one year for each year of service in excess of fifteen; or

(2) has served as much as ten years as probate judge and who has become permanently, physically or mentally, unable to carry out his duties on a full-time basis, proof of such disability being made by certificate of three reputable physicians; or

“(3) has served as a county employee in any capacity including assistant probate judge, chief clerk of the probate court, and register of circuit court for not less than twenty-two years and who is not less than sixty-three years of age; or”

(4) has served continuously for ten years or more as probate judge and who is not less than seventy years of age; or

(5) has served for not less than eighteen years or three full terms, or a time equal to three full terms, as probate judge.

(6) has served thirteen years or more as Probate Judge and who is not less than 62 years of age.

Section 6. (a) Any probate judge of any county covered by this Act who desires to be retired pursuant to this Act shall file a written declaration relative to his intention to elect such retirement with the clerk of the circuit court of his county, or with the presiding judge of the circuit court, one or the other, who, upon finding the existence of the conditions prerequisite to such retirement, shall endorse his findings thereon and forward said declaration to the treasurer of the Probate Judges Retirement Fund of such county and shall also notify the county governing body. The retiring probate judge, upon being retired or becoming supernumerary-retired, shall take the oath of office as a retired or supernumerary-retired judge of probate and thereupon become an extra or additional judge of such county. Thereafter, any such retired to supernumerary-retired judge shall have and exercise all of the duties, powers and authority of the probate judge of the county, the probate judge being the presiding officer; and on the request of the presiding circuit judge of such county, any such retired judge may served on the circuit court of such county. Such retired or supernumerary-retired judge, when serving on a court shall have and exercise all the duties and functions of the regular judge for whom he is substituting, the duties being those prescribed by the presiding judge.

(b) Any judge of a probate court who becomes seventy years of age during the term for which he has been elected and is serving, who is qualified to be retired pursuant to this Act, who does not at or before the expiration of his term file his written declaration stating

that he intends to retire at or before the end of his term then serving shall be deemed to have waived and forfeited his right to receive retirement benefits hereunder. He shall, however, be entitled to refund of all his contributions to the retirement fund.

Section 7 (a) The retirement benefit payable to a probate judge or judge of the probate court pursuant to Section 5, item (1), (3), (4) or (5) of this Act shall be the sum equal to the total amount of benefits or compensation authorized by laws for circuit judges of said county who have retired status, which benefits or compensation for retired or supernumerary-retired probate judges shall equal the benefits or compensation fixed by law for retired circuit judges of such county from both the State and County supplement. Such retirement or supernumerary-retirement benefits shall be payable monthly for the life of the beneficiary, and shall continue to be the same and equal total amount fixed by law for retired circuit judges of said county and shall change in amount as such benefits for retired circuit judges of such county are hereafter increased or decreased by law, and shall not be subject to writs of attachment or garnishment.

(b) After the death of any retired judge or judge of probate of such counties who has held office for a minimum of five years, his spouse shall receive a yearly benefit equivalent to three percent of the salary payable from the county treasury prescribed by law for his former position as judge of probate of such county, for each year of service, not to exceed thirty percent of such salary, payable monthly for the remainder of such spouse's life or until his or her remarriage and shall change in amount as such salary is hereafter increased or decreased by law.

(c) Any judge of probate retiring pursuant to Section 5, item (2), has served less than ten years he shall be entitled to receive a monthly disability benefit that is equal to twenty-five percent of the salary payable from the county treasury for the position he held at the time he retires plus ten percent of such salary for each year of service in excess of five years; provided, however, that in no event shall such judge receive less than thirty percent of the annual salary being paid to a full-time judge, from the county treasury.

(d) The retirement benefit payable to a Probate Judge or judge of the Probate Court pursuant to Section 5, Item (6) of this Act shall be the sum equal to 75% of the total amount of benefits or compensation authorized by laws for Circuit Judges of said county who have retired status, which benefits or compensation for retired or supernumerary-retired Probate Judges shall equal 75% of the benefits or compensation fixed by law for retired (or supernumerary-retired) Circuit Judges of such county from both the State and county supplement.

(e) Every judge of probate who has retired pursuant to this Act may continue on active duty status in said probate court, or may be assigned duties by the judge of probate or by the presiding circuit judge in said county to perform duties prescribed by such presiding judge. "In any such county which has a position described as Associate Probate Judge and if said position is vacant then the retired supernumerary Probate Judge shall continue on active duty status in said Probate Court. If the position of Associate Probate Judge is filled then the retired supernumerary Probate Judge will not be called to active duty status in said Probate Court until the position of Associate Probate Judge is vacant." The salary paid a retired probate judge in such county serving in active service shall be the same and equal total compensation prescribed by law to be paid a retired circuit judge of

such county who is serving in active status: it being the legislative intent that such retired probate judge serving in active status shall receive the same total compensation, state and county supplement, that retired circuit judges, serving in active status, are entitled to receive. Upon determination that such retired judge is not satisfactorily performing such duties, such retired judge shall immediately be removed from active status and his additional active duty compensation shall be stopped, and revert to retired or inactive status compensation.

Except as above provided a retired judge shall hold office as such additional or extra judge during good behavior and may be removed only for causes specified in the Constitution. Such retired judge may, however, be transferred to inactive status upon request. A judge who reverts to inactive status shall be entitled to the same retirement benefits prescribed in subsections (a) and (b) of this Section, for such judges who have retired.

Section 8. Whenever a judge of probate of such counties retires pursuant to this Act the office then held by him shall become vacant, and the vacancy shall be filled as provided by Article VI of the Constitution or such applicable section of the Constitution. The Governor shall issue a commission to the retired or supernumerary probate judge.

Section 9. (a) Should the service of a judge of probate be terminated prior to the same he is entitled to receive retirement benefits under this Act, he shall have the right to elect to withdraw from the Probate Judges Retirement Fund and to have refunded to him his total contributions to the retirement fund plus accrued interest thereon. Any judge becoming eligible for retirement under the provisions of this Act who is also a member of any other county retirement system of said county shall not be entitled to receive benefits under both the provisions hereof and said other county retirement system, but shall make an election as to whether he will become a supernumerary-retired judge under the provisions of this Act, such election to be made prior to receiving benefits under this Act.

“(b) Any judge who is a member of any county retirement system other than this Act who, within three years from the effective date of this Act, elects to come under the provisions of this Act, and any future judge coming under the provisions of this Act, who is a member of any county retirement system other than this Act, shall terminate his membership in such other county retirement system by notifying in writing the retirement board of such other county retirement system and the custodian of the Probate Judges Retirement Fund of his election to come under this Act, thereupon the retirement board of such county retirement system shall transfer to the custodian of the Probate Judges Retirement Fund all contributions, interest and matching funds made by the county governing body credited to the account of such judge, and the custodian of the Probate Judges Retirement Fund shall credit all sums so received to the said fund. In the event of the death of such judge without being survived by a spouse or dependent before receiving his contributions, the balance of his contributions shall be paid to his heirs or personal representative.”

Section 10. The County Commission or other county governing body from time to time shall appropriate sufficient monies out of the county general fund—or out of the fees and commissions of the probate judge collected by the probate court and paid into the county general fund—to sufficiently provide for the provisions of this Act. The amount

paid from the county general fund into the probate Judges Retirement Fund annually shall not be less than the yearly contributions paid by all members.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Section 12. The provisions of this Act are cumulative and shall not be construed to repeal or supersede any laws not inconsistent herewith.

Section 15. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 18; Nays 3.

Yeas:

Messrs.: Callahan, Cooper, Crowe, Falkenburg, Gafford, Glass, Hopping, Johnstone, LeFlore, Lewis, McCulley, McMillan, Malone, Moore (O), Sandusky, Sonnier, Trammell and Waggoner.

—18

Nays:

Messrs.: Hall, Leonard and Tucker.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 571. Pursuant to provisions of Section 155, Article VI of the Constitution of Alabama as amended (Section 6.16 of Amendment CCCXXVIII, proclaimed December 27, 1973), this bill creates and provides for Supernumerary-Retired Probate Judges in counties having a population of 300,000 and over, according to the last or any subsequent federal census, similar to and equal with provisions of law for Circuit Judges in such counties, and provides for continuation of service; creates and establishes the Probate Judges Retirement Fund in such counties for the purpose of providing for the payment of retirement and disability benefits for such judicial officers; prescribing the qualifications, term, duties, powers, authority, compensation and benefits of any such county Supernumerary-Retired Probate Judge of such counties; providing for payment of contributions into such fund by any eligible probate judge and for payments out of the county general fund or from fees and commissions collected by the probate court and paid into the county general fund. It provides for carrying out the provisions of this Act, and regulates the administration and supervision thereof.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 18; Nays 3.

Yeas:

Messrs.: Callahan, Cooper, Falkenburg, Gafford, Glass, Hilliard, Hop-

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ping, Kennedy, LeFlore, Lewis, McCulley, McMillan, Malone, Moore (O), Sandusky, Sonnier, Trammell and Waggoner.

—18

Nays:

Messrs.: Hall, Leonard and Tucker.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

UNFINISHED BUSINESS

The House then proceeded with consideration of the Unfinished Business.

And the bill:

H. 127. To provide that any bona fide citizen of the state who is over 65 years of age shall be exempt from paying any tuition at any state supported institution of higher learning.

As amended was again taken up.

MOTION TO POSTPONE TABLED

On motion of Mr. Turnham, the motion offered by Mr. Owens to postpone the bill, H. 127 as amended, to the thirty-sixth legislative day was tabled.

Yeas 46; Nays 38.

Yeas:

Messrs.: Andrews, Baker, Brindley, Carothers, Carter, Cates, Cooper, Crawford, Crowe, Dial, Folmar, Ford, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (R), Johnstone, Kennedy, Killian, LeFlore, Leonard, McMillan, Merrill, Moore (O), Naramore, Reed, Rich, Roberts, Sandusky, Sasser, Smith (M), Sonnier, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—46

Nays:

Mr. Speaker, Albright, Barron, Biddle, Burgess, Campbell, Clark, Cross, Falkenburg, Gafford, Gregg, Hilliard, Holley, Jackson (F), Johnson, Kelley, Lee, Lewis, Lockett, Lutz, McCluskey, McNair, McNees, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Riddick, Robertson, Shelton, Smith (B), Sparks, Teague and Wyatt.

—38

MOTION TO RECOMMIT

Mr. Lutz offered the motion that the bill, H. 127 as amended, be recommitted.

MOTION TO TABLE LOST

The motion offered by Mr. Turnham to table the motion offered by Mr. Lutz to recommit the bill, H. 127 as amended, was lost.

Yeas 43; Nays 46.

Yeas:

Messrs.: Andrews, Baker, Brindley, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Dial, Folmar, Ford, Glass, Goodwin, Hall, Harris, Harrison, Higginbotham, Hopping, Howard, Jackson (R), Johnstone, Kelley, Kennedy, Killian, LeFlore, Leonard, McCulley, McNees, Malone, Manley, Mitchem, Reed, Rich, Riddick, Smith (M), Sonnier, Trammell, Tucker, Turnham, Warren, Weeks and Whatley.

—43

Nays:

Mr. Speaker, Albright, Barron, Biddle, Burgess, Campbell, Clark, Cross, Edwards, Falkenburg, Gafford, Gregg, Hilliard, Hines, Holley, Jackson (F), Johnson, Jolly, Lee, Lewis, Lockett, Lutz, McCluskey, McMillan, Martin, Merrill, Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sparks, Starkey, Taylor, Venable, Waggoner, White and Wyatt.

—46

MOTION TO RECOMMIT LOST

The question was then on the motion offered by Mr. Lutz that the bill, H. 127 as amended, be recommitted, and the motion was lost.

Yeas 46; Nays 47.

Yeas:

Mr. Speaker, Albright, Barron, Biddle, Burgess, Callahan, Campbell, Clark, Edwards, Falkenburg, Gafford, Gregg, Hilliard, Holley, Jackson (F), Johnson, Jolly, Kennedy, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Martin, Merrill, Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Roberts, Robertson, Sandusky, Shelton, Smith (B), Sparks, Starkey, Taylor, Venable, Waggoner, White and Wyatt.

—46

Nays:

Messrs.: Andrews, Baker, Brindley, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Folmar, Ford, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Hopping, Jackson (R), Johnstone, Kelley, Killian, LeFlore, Leonard, McCulley, Malone, Manley, Mitchem, Reed, Rich, Riddick, Sasser, Smith (C), Smith (M), Sonnier, Tucker, Turnham, Warren, Weeks, Whatley and Williams.

—47

And the bill, H. 127 as amended, was read a third time at length and lost.

Yeas 46; Nays 52.

Yeas:

Messrs.: Andrews, Baker, Boles, Brindley, Callahan, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Folmar, Ford, Glass, Goodwin, Hall, Harris, Harrison, Higginbotham, Hilliard, Hines, Holmes, Howard, Jackson (F), Jackson (R), Johnstone, Killian, LeFlore, Leonard, McCulley, McNees, Malone, Reed, Rich, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Taylor, Tucker, Warren, Weeks, Whatley and Williams.

—46

Nays:

Mr. Speaker, Albright, Barron, Biddle, Burgess, Campbell, Carothers, Clark, Cross, Falkenburg, Gafford, Greer, Gregg, Hill, Holley, Hopping, Johnson, Jolly, Kelley, Kennedy, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Robertson, Sandusky, Shelton, Smith (B), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, White and Williams.

—52

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Mr. Burgess, moved to reconsider the vote by which the bill, H. 127 as amended, was lost.

On motion of Mr. Lutz, the motion offered by Mr. Burgess was tabled.

Yeas 48; Nays 39.

Yeas:

Messrs.: Albright, Barron, Burgess, Campbell, Carothers, Clark, Cross, Falkenburg, Folmar, Gafford, Greer, Gregg, Hilliard, Holley, Howard, Kelley, Lee, Lewis, Lockett, Lutz, McCluskey, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Shelton, Smith (B), Sonnier, Sparks, Starkey, Tucker, Venable, Waggoner, Weeks, White and Wyatt.

—48

Nays:

Mr. Speaker, Andrews, Baker, Biddle, Brindley, Carter, Cates, Cooper, Crawford, Crowe, Ford, Glass, Goodwin, Harris, Harrison, Higginbotham, Hines, Holmes, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, McCulley, McNeese, Malone, Reed, Rich, Sasser, Smith (M), Taylor, Turnham, Warren, Whatley and Williams.

—39

MOTION TO ADJOURN LOST

The motion offered by Mr. Morris that the House adjourn until 11:00 o'clock a. m., Tuesday, June 24, 1975, was lost.

BILLS ON THIRD READING RESUMED

And the bill:

H. 201. To provide that driver's licenses bear photographic likenesses in color of licensed drivers and to provide for a system of color photographic driver license forms.

Having been postponed on the fourth legislative day was taken up.

Mr. Waggoner offered the following substitute to the bill:

A BILL
TO BE ENTITLED
AN ACT

To provide that driver licenses bear photographic likeness in color of licensed drivers and to provide for a system to implement

the use of color photographic driver license forms and for the time and manner of implementing this Act; and to provide for non-driver identification cards; to provide for the issuance of driver licenses valid for a period of four (4) years, and to set the cost of such licenses and identification cards; to provide for interim driver licenses valid for a period of two (2) years to implement this Act, and to set the cost of such licenses; to provide that contracts may be awarded for a period of a total of five years; to repeal Section 59, Title 36, Code of Alabama 1940, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective from and after January 1, 1977, each driver license issued by the Department of Public Safety, except temporary permits or other special circumstances as determined by the Director of the Department of Public Safety, shall bear thereon a distinguishing number assigned to the licensee and a color photograph of the licensee; the name, birthdate, address, and a description of the licensee, who for the purpose of identification and as a condition precedent to the validity of the license, immediately upon receipt thereof, shall endorse his or her usual or regular signature in ink upon the license in the space provided thereon unless a facsimile of the licensee's signature appears thereon. In addition, space shall be provided to enter information if licensee is willing to donate body organs upon death.

Section 2. Effective from and after January 1, 1977, the Department of Public Safety shall make available to any resident of this state who does not hold a valid Alabama driver license a non-driver identification card to be used for identification purposes only. Such non-driver identification card shall be issued only upon application of the non-driver and shall be similar to the driver license except that it shall bear the word "non-driver" in prominent letters on the face of the identification card. Each non-driver identification card shall bear thereon a distinguishing number assigned to the non-driver and a color photograph of the non-driver as well as the name, birthdate, residence address, and a brief description of the non-driver, who for the purpose of identification shall immediately upon receipt thereof, endorse his or her usual signature in ink upon the license in the space provided thereon unless a facsimile of the non-driver signature appears thereon.

The same degree of proof of identification required of applicants for driver licenses in this state shall be required of applicants for non-driver identification cards.

Section 3. After making such studies and examinations as may be necessary, the Director of the Department of Public Safety shall prescribe in writing the standards and requirements for the equipment and processes to be used to implement this Act, and shall cause the State purchasing agent to solicit public bids based upon said standards and requirements, in conformity with the competitive bid law of the State of Alabama, except such contracts may be awarded for a period of a total of five years, instead of one year, and the Director of the Department of Public Safety shall, on behalf of the State of Alabama, enter into contract(s) with the lowest responsible bidder(s) for such services and/or for the lease or purchase of such equipment as might be required for the efficient and economical operation of the system theretofore developed. In addition thereto the Director of the Department of Public Safety shall require of the successful bidder a sufficient performance bond or written warranty to guarantee performance of the contract awarded, and sufficient to protect the interests of the State of Alabama and the licensees.

Section 4. Upon the installation of a system for the issuance of driver licenses and non-driver identification cards with color photographs of licensees and non-drivers thereon, all such licenses and identification cards and renewals thereof issued in this State shall be issued in the following manner: For a new license a person may apply at any time; for renewal of license, the licensee shall apply to any Driver License examining office according to a schedule developed and announced by the Director of the Department of Public Safety.

Section 5. For the purpose of defraying the cost of issuing driver licenses or non-driver identification cards with color photographs of the licensee or non-driver thereon, the Department of Public Safety shall collect for each license or identification card issued the sum of nine dollars and fifty cents (\$9.50) for a four-year license or identification card. To implement this law, the Director of the Department of Public Safety may issue a two-year interim license to some licensees for a fee of four dollars and seventy-five cents (\$4.75). All such fees shall be deposited in the State treasury.

Section 6. There is hereby repealed all of Section 59, Title 36, Code of Alabama 1940, as amended.

Section 7. Every person, except those specifically exempted by statutory enactment, shall procure a driver license before driving a motor vehicle upon the highways of this State. Every driver license issued under this article may be renewed at the end of the license period without examination upon application and payment of the fee. Every new resident of the State of Alabama shall procure an Alabama driver license within thirty (30) days after establishing residence in this state.

Section 8. The provisions of this act are cumulative and shall not be construed to repeal or supersede any laws or parts of laws not directly inconsistent herewith.

Section 9. This act is severable and if any part shall be declared invalid by any court of competent jurisdiction such declaration shall not affect those parts which remain.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Campbell, Glass, Sandusky, Howard, Tucker, White, Greer and Burgess as co-sponsors to the bill, H. 201.

Mr. Rich offered the following amendment to the bill, H. 201 as amended:

Amend Substitute for H. B. 201 by adding the following words in Section 1, line 34, after the word "address",; and in cases where Alabama residents have postal addresses from other states, insert below the address on the license the county and state in which the person resides,

And the amendment was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—94

And the bill:

H. 201. To provide that driver licenses bear photographic likeness in color of licensed drivers and to provide for a system to implement the use of color photographic driver license forms and for the time and manner of implementing this Act; and to provide for non-driver identification cards; to provide for the issuance of driver licenses valid for a period of four (4) years, and to set the cost of such licenses and identification cards; to provide for interim driver licenses valid for a period of two (2) years to implement this Act, and to set the cost of such licenses; to provide that contracts may be awarded for a period of a total of five years; to repeal Section 59, Title 36, Code of Alabama 1940, as amended.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 97; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley,

McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—97

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Venable, the rules were suspended in order to bring up out of order the bill, H. 180.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Edwards, Folmar, Ford, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Lewis, Lockett, Lutz, McCluskey, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—77

MOTION TO ADJOURN LOST

The motion offered by Mr. Turnham that the House adjourn until 11:00 o'clock a. m., Tuesday, June 24, 1975, was lost.

H. 180 RESUMED

And the bill:

H. 180. To transfer any remaining funds out of the appropriation made to the Department of Conservation, Division of State Parks, Monuments and Historical Sites, by Act No. 653, H. 91, approved September 6, 1961 (Acts 1961, p. 790) to the Alabama Historical Commission to be expended for the restoration and development of the Fort Toulouse Site in Elmore County.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Burgess, Campbell, Carothers, Carter, Clark, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—83

MOTION TO ADJOURN LOST

The motion offered by Mr. Holley that the House adjourn until 11:30 o'clock a. m., Tuesday, June 24, 1975, was lost.

Yeas 35; Nays 51.

Yeas:

Mr. Speaker, Biddle, Brindley, Burgess, Campbell, Cates, Coburn, Crawford, Cross, Edwards, Goodwin, Hall, Harrison, Hilliard, Holley, Hopping, Jackson (F), Kennedy, Lewis, Lockett, McCluskey, McNees, Manley, Martin, Merrill, Owens, Pegues, Quarles, Sasser, Sparks, Taylor, Teague, Tucker, Warren and Weeks.

—35

Nays:

Messrs.: Albright, Andrews, Baker, Barron, Boles, Carothers, Carter, Clark, Cooper, Crowe, Falkenburg, Folmar, Greer, Gregg, Harris, Higginbotham, Hill, Holmes, Howard, Johnson, Johnstone, Jolly, Kelley, Killian, LeFlore, Leonard, Lutz, McCulley, Malone, Mitchem, Moore (O), Naramore, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—57

BILLS ON THIRD READING RESUMED

And the bill:

H. 55. To provide that boards of control of local school systems, institutions and agencies make available payroll deduction of dues for the local affiliate of any statewide educators' organization if their employees request this service.

Was taken up.

Mr. Turnham offered the following amendment to the bill:

Add to Section 1 on page 1, line 30 after the words "remitted by the board" the following:

less any reasonable expenses of providing these deductions

AMENDMENT TABLED

On motion of Mr. Johnson, the amendment offered by Mr. Turnham to the bill, H. 55, was tabled.

Yeas 36; Nays 34.

Yeas:

Messrs.: Albright, Boles, Burgess, Campbell, Coburn, Cooper, Cross, Ford, Gregg, Hall, Harrison, Holley, Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, LeFlore, Leonard, Lockett, McNair, Merrill, Mitchem, Naramore, Owens, Plaster, Rich, Robertson, Sasser, Sonnier, Starkey, Taylor, Tucker and Wyatt.

—36

Nays:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Brindley, Carothers, Cates, Crawford, Folmar, Greer, Hill, Hilliard, Killian, Lutz, McCulley,

9th Day

Malone, Manley, Martin, Moore (O), Moore (W), Pegues, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Smith (M), Turnham, Venable, Waggoner, Warren, Weeks, and White.

—34

Mr. White offered the following amendment to the bill, H. 55:

Amend House Bill No. 55, page 1, lines 21 and 22 by striking out the words institutions and agencies after the word systems.

MOTION TO TABLE LOST

The motion offered by Mr. Johnson to table the amendment offered by Mr. White to the bill, H. 55, was lost.

Yeas 27; Nays 50.

Yeas:

Messrs.: Albright, Brindley, Coburn, Cooper, Ford, Hall, Harrison, Holmes, Hopping, Howard, Johnson, Kelley, Kennedy, LeFlore, Leonard, McCulley, McNair, Malone, Mitchem, Naramore, Rich, Robertson, Taylor, Trammell, Tucker, Weeks, and Wyatt.

—27

Nays:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Gafford, Gregg, Harris, Higginbotham, Hilliard, Holley, Jackson (F), Jolly, Lewis, Lockett, Lutz, Manley, Martin, Merrill, Moore (O), Moore (W), Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Turnham, Venable, Waggoner, Warren, Whatley, White and Williams.

—50

AMENDMENT ADOPTED

The question was then on the amendment offered by Mr. White to the bill, H. 55, and the amendment was adopted.

Yeas 60; Nays 20.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Burgess, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Gafford, Greer, Gregg, Harris, Higginbotham, Hill, Hilliard, Holley, Jackson (F), Jolly, Kennedy, Killian, Lee, LeFlore, Lockett, Lutz, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, Whatley and White.

—60

Nays:

Messrs.: Brindley, Coburn, Ford, Hall, Harrison, Holmes, Hopping, Howard, Johnson, Johnstone, Kelley, Leonard, McCulley, McNair, Malone, Naramore, Rich, Robertson, Trammell and Wyatt.

—20

H. 55 POSTPONED

On motion of Mr. Coburn, the bill, H. 55 as amended, was postponed to the eleventh legislative day.

Yeas 63; Nays 12.

Yeas:

Mr. Speaker, Albright, Barron, Biddle, Boles, Burgess, Carter, Clark, Coburn, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Greer, Gregg, Harrison, Higginbotham, Hilliard, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Leonard, Lewis, McCulley, McNair, Malone, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Rich, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whitley, Williams and Wyatt.

—63

Nays:

Messrs.: Andrews, Brindley, Ford, Kelley, Lee, LeFlore, Lockett, Lutz, Martin, Riddick, Sandusky and Sonnier.

—12

ADJOURNMENT

On motion of Mr. Coburn, the House adjourned until 11:00 o'clock a. m., Tuesday, June 24, 1975.

TENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, June 24, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Ralph Brannon, Pastor, First Baptist Church, Clanton, Alabama.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith

(M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—103

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the ninth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the ninth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the ninth legislative day was approved.

BILLS ON SECOND READING

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 421. To allow prospective jurors to be excused without the presence of the defendant in all judicial circuits of Alabama having populations of not less than 95,000 nor more than 114,000 according to the most recent federal decennial census.

H. 426. Relating to the method of giving notice of the requirement of attendance of jury service in all judicial circuits of Alabama, having populations of not less than 95,000 nor more than 114,000 according to the most recent federal decennial census.

H. 428. To apply only in the circuit courts of all judicial circuits having populations of not less than 95,000 nor more than 114,000 according to the most recent federal decennial census; to provide that in such courts the parties to any action, except prosecutions for capital felonies, may at any stage of a trial then pending and whether the jury has retired or not, unanimously consent with legal effectiveness to the discharge from further duty of any member of the jury trying the case, and to a continuation of the trial and the rendition of a verdict by the remaining jurors; and to further provide that in such courts and in such actions the parties may, prior to the commencement of a trial unanimously stipulate in open court with legal effectiveness that in the event it becomes necessary during the pendency of the trial, whether the jury has retired or not, for the court to discharge from further duty any member of the jury trying the case because of the juror's sickness or other good cause, the trial shall continue with and a verdict be rendered by the remaining jurors.

H. 817. To provide for an additional expense allowance for the coroner of Blount County; to make the provisions of this Act retroactive.

H. 861. Relating to Coosa County, to amend Section 4 of Act No. 102, H. 222, Regular Session 1969 (Acts of 1969, p. 383), which act levys

a sales and use tax on the sale and distribution on malt or brewed beverages, so as to allow the sheriff to confiscate such beverages which are untaxed.

H. 870. Providing for the method of acknowledging full or partial satisfaction of any recorded mortgage or other lien in the records of the office of the Judge of Probate of Shelby County.

H. 871. To authorize the county governing body of Shelby County to appropriate funds for lunches and an allowance of not more than \$1.00 per week per prisoner sentenced to and performing hard labor in Shelby County, as a weekly allowance for such prisoners and to purchase lunches for those prisoners who are at hard labor away from the county jail.

H. 872. To require the installation and maintenance of an improved system of recording documents affecting the title to property and other documents and recorded in the office of the Judge of Probate of Shelby County; to provide that said system shall constitute official and permanent records in Shelby County; to provide for a special index fee of \$1.00 in addition to all existing recording fees and charges, for each such document hereafter filed for record in Shelby County.

H. 873. To authorize the county governing body of Shelby County to adopt a resolution and thereby authorize all polling places to remain open between the hours of 8:00 a. m. and 7:00 p. m. at all state and local elections held within such counties.

H. 874. To prohibit the Probate Judge or any other official or any employee of Shelby County from selling, lending, giving, or otherwise disposing of a computer printout of the list of registered voters of Shelby County.

Mr. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 788. (With Amendment): To further amend and reenact the Title and Act of Act No. 563, S. 8, Acts of Alabama 1965, Regular Session, at pages 1049-1050, as amended by Act No. 725, S. 82, Acts of Alabama 1967, Regular Session, at pages 1560-1561, relating to the reporting of incidents of abuse or neglect of children: by adding a new section 1, which gives definitions of "abuse", "neglect," "child" (meaning a person under the age of eighteen years), and "duly constituted authority"; by adding a new section 2, which gives the purpose of the Act; by amending section 1 to be section 3, to include further categories of persons who are required to report child abuse or neglect and to provide for reporting to a "duly constituted authority"; by adding a new section 4, which allows for permissive reporting of child abuse or neglect; by amending section 2 to be section 5; by adding a new section 6, which provides for protective custody of abused or neglected children; by adding a new section 7, which gives the duties of the department of pensions and security upon a receipt of a report of child abuse or neglect; by adding a new section 8 which provides for the establishment of a central registry of reports of child abuse and neglect and also provides for the confidentiality of such reports and records, with a violation of this provision of confidentiality being a misdemeanor and punishable accordingly; by amending section 3 to be section 9; by amending section 4 to be section 10 and by excepting the attorney client privilege from the provision whereby the doctrine of privileged communication

is not grounds for excluding evidence in judicial proceedings resulting from reports of child abuse or neglect; by adding a new section 11, which provides that in every case involving an abused or neglected child which results in a judicial proceeding, an attorney will be appointed to represent the child; by adding a new section 12 which provides that the department of pensions and security may make regulations as may be necessary to implement this Act; by amending sections 5, 6, 7 and 8 to be sections 13, 14, 15, and 16 respectively; and by making further changes.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 485. To prohibit the use, or possession, with the intent to use, of another person's driver's license and the impersonation of another person to procure a driver's license and to prescribe penalties therefor.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and in was read a second time and placed on the Calendar, to-wit:

H. 465. (With Amendments): To define the crime of looting and provide penalties for the commission thereof.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 669. To amend Section 5, Title 7, Code of Alabama 1940, heretofore amended by Act No. 125, Regular Session of the Legislature, 1949, (Acts of Alabama, 1949, p. 150), and by Act No. 1510, Regular Session of the Legislature, 1971, (Acts of Alabama, 1971, Volume IV, p. 2595), said section relating to judicial records; to correct a mistake in said section by deleting the word "court" and inserting in lieu thereof the word "course".

H. 670. To authorize the registers and clerks of the circuit court of this state to dispose of all documents and papers filed in all cases in which a final judgment or decree has been rendered more than twenty years prior to such disposition; requiring that the consolidated trial docket sheet of such case be permanently maintained.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 671. (With Amendment): To authorize the registers and clerks of the circuit courts of this state to destroy all exhibits offered and received in evidence in civil, criminal and equity cases on or after one year from the final disposition of the case in which they were offered and received.

H. 467. (With Amendment): To prohibit the false impersonation of a law enforcement officer and to prescribe punishment for same.

REPORT FILED

Pursuant to House Joint Resolution 75, Act No. 1183, 1973 Regular Session of the Legislature, Mr. W. M. Collins, Chairman, submitted the report adopted by the Highway Safety Interim Committee, and the report was ordered filed.

RESOLUTION

The following resolution was introduced:

By Mr. Carothers:

H. J. R. 111. COMMENDING MISS PAM FLOWERS—FIRST RUNNER-UP IN MISS USA CONTEST.

WHEREAS the beautiful Miss Flowers was recently selected as first runner-up in the Miss USA Pageant; and

WHEREAS Miss Flowers was also selected by the photographers as Most Photogenic in the Miss USA Contest; and

WHEREAS the charming and talented Miss Pam Flowers is a 19 year old student at George C. Wallace Community College in Dothan; and

WHEREAS Miss Flowers is a former Queen of the National Peanut Festival; and

WHEREAS she possesses those attributes of friendliness and warmth which make her acquaintance a very special one; and

WHEREAS Miss Flowers is truly an asset to the State of Alabama and we are extremely proud of her accomplishments; and

WHEREAS this body would like to pay tribute to this lovely girl who has done an outstanding job in representing her State; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Miss Pam Flowers on her selection as 1st runner-up in the Miss USA Contest.

RESOLVED FURTHER, That a copy of this resolution be sent to Miss Flowers and to her parents.

On motion of Mr. Carothers, the rules were suspended and the resolution, H. J. R. 111, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Ford, Taylor and Rich:

H. 908. To amend Section 233, Title 51, Code of Alabama 1940, to increase the mileage allowance to the tax collectors of the various counties for coming to and returning home from the seat of government for the purpose of making their final settlement each year with the comptroller.

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By Messrs. Carter, Roberts, Morris, Robertson, Martin, Crowe and Boles:

H. 909. To create and establish an Evaluation Committee to administer, control, and regulate the classifications, appointments, examinations, eligible registers, placements, job justifications, and salary rates in the State Highway Department in the classified and unclassified service, and the methods of employing Highway employees by the State Highway Department; providing for appointment of members of the Commission, times of meetings, powers, duties and reimbursement.

State Administration.

By Messrs. Lutz, Riddick, Gregg, Smith (B) and Moore (W) (With Notice and Proof):

H. 910. Pertaining to Madison County, to amend Act 608 of the 1973 Regular Session, which Act provides for the temporary release of certain prisoners in the County Jail for the purpose of obtaining and working at gainful employment, so as to provide for the payment to the County of a portion of the net earnings of said prisoners and for the utilization of funds derived therefrom.

Local Legislation No. 4.

Notice and Proof H. 910:

NOTICE

Notice is hereby given that an Act substantially as follows will be introduced in the Alabama Legislature and application made for its passage.

A BILL
TO BE ENTITLED
AN ACT

Pertaining to Madison County, to amend Act 608 of the 1973 Regular Session, which Act provides for the temporary release of certain prisoners in the County Jail for the purpose of obtaining and working at gainful employment, so as to provide for the payment to the County of a portion of the net earnings of said prisoners and for the utilization of funds derived therefrom.

Be It Enacted by the Legislature of Alabama:

Section 1. Act Number 608 of the 1973 Session of the Alabama Legislature is hereby amended to read as follows:

Section 1. Any person who has been committed to the County Jail or to any City Jail in Madison County under a criminal sentence may be released therefrom at the discretion of the sentencing Court, either on its own Motion or upon the Motion of the defendant, at the time of sentence or at any time during the term of sentence, for the purpose of obtaining and working at gainful employment or for such other purpose as the Court may deem conducive to his rehabilitation, for such time or intervals of time and under such terms and conditions as the Court may order. Any part of a day spent outside of jail under such a release Order shall be counted as a full day toward the serving of the sentence unless otherwise provided by the Court. If a person violates the terms and conditions laid down for his conduct, custody and employment, he shall be returned to the sentencing Court. The Court may then require that the balance of the person's sentence be spent in actual confinement and may cancel any earned reduction of his term.

Section 2. Any person who has been sentenced to the Madison County Jail or any city jail within Madison County and who has been Ordered released under the provisions of Section 1 hereof, may at the time of sentence or at any time while any part there of remains unserved, be required by the sentencing Court to report to the jail to which he has been sentenced to be incarcerated during weekends or at such times or intervals of time as the Court may direct. Time so spent in said jail shall be deducted from the term of the sentence. Any part of a day spent in the institution shall count as a full day toward the sentence. In no event shall the number of days confinement exceed the number of days in the original sentence.

Section 3. Any person released under Section 1 or this Act, or ordered confined under Section 2, who wilfully fails to report for confinement as Ordered shall be deemed to have escaped from the institution to which he has been sentenced and upon conviction shall be subject to the punishment provided for escape therefrom.

Section 4. For the purposes of this Act, the term "net income" shall be defined as total salaries, wages and other compensation received by a person committed to a jail in Madison County for work performed while such person is released pursuant to this Act, less all sums withheld for federal income tax, state income tax, taxes paid by an employee under the so-called Federal Insurance Contributions Act, group insurance, and union dues. Any person released from jail pursuant to this Act shall pay to the County a sum equal to twenty percent (20 percent) of his or her net earnings earned while so released; provided, however, that no person so released shall be required to pay more than One Hundred Dollars (\$100.00) to the Court in any one calendar month under the provisions of this Act. The Court having jurisdiction of the case, as a condition to releasing a prisoner pursuant to the terms of this Act, may require that the said prisoner establish a payroll deduction for the payment of any sums due hereunder. All sums so collected, whether by payroll deduction or otherwise, shall be paid to and collected by the Sheriff of Madison County and paid over to the Madison County Commission and deposited to a separate fund to be known as the Madison County Work Release Fund.

Section 5. In any case in which the Court having jurisdiction of the case determines that the collection and payment of the sums provided for in Section 4 of this Act will impose a definite and significant financial hardship on the dependents of the prisoner involved, the Court, may, in its discretion, waive the collection and payment of the same, but in making such determination the Court shall consider that the purpose of this Act is to not only promote the rehabilitation of offenders but, insofar as possible, to make the implementation of this Act self-supporting.

Section 6. All sums collected under the provisions of Section 4 of this Act shall be expended for the implementation of this Act, including but not limited to, paying salaries and other expenses involved in making investigations and studies necessary to determine whether or not particular prisoners will be granted the benefits of this Act, administration required to carry out the provisions of this Act, transportation of prisoners to and from their places of employment, matching any Federal or State grants which may be available in relation to the purposes of this Act, investigations and screening of prisoners subject to pre-trial release under the provisions of House Bill 159 of the 1975 Regular Session or any similar act hereafter passed by the Alabama Legislature, and any other administrative or law enforcement requirements arising out of said last mentioned Bill or other similar local bill pertaining to Madison County which may hereafter become law. If, at the end of any calendar

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year, there remains a surplus in the fund established in Section 4 hereof, said surplus shall be paid over to the general fund of Madison County, provided the presiding Judge of the 23rd Judicial Circuit shall certify in writing to the Probate Judge of Madison County that in the judgment of said presiding Judge such surplus, or any portion thereof, is in excess of an amount necessary to carry out the provisions of this Act.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on May 29, June 5, 12 and 16, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 17 day of June, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

By Messrs. Harris and Manley:

H. 911. Providing for the establishment of an Alabama Criminal Justice Information Center Commission in order to establish a state-wide criminal justice information system; providing for the reporting of arrests and the disposition of persons charged by the state, county and municipal criminal justice agencies; providing for intra and interstate, as well as national and international cooperation with other criminal justice agencies; and providing penalties for violations of provisions of this Act.

Judiciary.

By Mr. Hill:

H. 912. To amend Section 2, as amended, Section 3, as amended, Section 4, Section 8, as amended, and Section 16 of Act No. 865, H. 138, 1961 Regular Session (Acts of 1961, p. 1349, now appearing in Code of Alabama, Recompiled 1958, Title 46, Sections 331, 332, 333, 337, and 345), relating to the formation of unincorporated associations for the purpose of rendering professional service; so as to further regulate such associations.

Judiciary.

By Mr. Hill:

H. 913. To amend Section 21 of the Professional Corporation Act (Acts of 1971, p. 4524, now appearing in Code of Alabama, Recompiled

1958, Title 46, Section 366), so as to allow a consolidated or merged professional corporation to render both medical and dental services within a single professional corporation.

Judiciary.

By Mr. Hill:

H. 914. To amend Section 3 of Act No. 551, H. 321, 1967 Regular Session [Acts of 1967, p. 1300; now appearing in Code of Alabama, Re-compiled 1958, Title 55, Section 332(3)], entitled "To create and establish the Alabama Council on the arts; to provide for the appointment of its members their qualifications, terms, duties, authority and making an appropriation therefor"; so as to change the composition of the membership and the terms of office of such council.

Judiciary.

By Messrs. Lee and Owens:

H. 915. To create a solicitor's fund in the Sixth Judicial Circuit of Alabama; to provide for the appropriation of moneys to said fund from solicitors' fees taxed and collected in all criminal cases in the Sixth Judicial Circuit of Alabama; to authorize the county governing body to appropriate funds from the general fund to be placed in the solicitor's fund; and to authorize expenditures of said fund by the District Attorney of the Sixth Judicial Circuit for law enforcement and the discharge of the duties of his office.

State Administration.

By Messrs. Lee and Owens:

H. 916. To establish and provide for a Schedule of Compensation for Deputy District Attorneys of the Sixth Judicial Circuit.

Local Legislation No. 1.

By Messrs. Lee and Owens:

H. 917. To authorize any county governing body in the Sixth Judicial Circuit to furnish to the office of District Attorney necessary personnel, equipment and supplies.

Local Legislation No. 1.

By Messrs. Lee and Owens:

H. 918. Relating to the compensation of the Legal Stenographer of the District Attorney of the Sixth Judicial Circuit, amending Act No. 657 of 1973 Regular Session of Legislature of Alabama.

Local Legislation No. 1.

By Messrs. Lee and Owens:

H. 919. To create the office of Deputy District Attorney No. 5 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

Local Legislation No. 1.

By Mr. McCulley (With Notice and Proof):

H. 920. To provide for additional expense allowances for certain public officials in Washington County.

Local Legislation No. 1.

Notice and Proof H. 920:

STATE OF ALABAMA
COUNTY OF WASHINGTON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for additional expense allowance for certain public officials in Washington County.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Washington County is hereby authorized and empowered to pay the following additional expense allowances to certain public officials in Washington County, viz:

The official court reporter of the circuit court for Washington County for expenses, \$150 per month;

The clerk of the circuit court for Washington County, for clerical assistance, \$350 per month;

The district attorney of the first judicial circuit, \$50 per month;

Each member of the Washington county commission, \$200 per month.

The expense allowances provided for under the provisions of this Act shall be in addition to any and all other salary, compensation and expense allowances provided for by law and shall be paid out of the county general fund.

Section 2. The provisions of this Act shall become effective on the first day of the month next following the date upon which this Act becomes law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF WASHINGTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Dalton Jackson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Call-News Dispatch, a newspaper of general circulation published in Washington County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 8, May 15, May 22, and May 29, all in the year 1975.

DALTON JACKSON.

Sworn to and subscribed before me June 23, 1975.

PAULINE JACKSON,
Notary Public.

By Messrs. McCulley, Boles, Malone and Hall:

H. 921. To raise revenue; imposing a tax measured by gross sales or gross receipts derived from the sale of advertising space in news-

papers, radio and television; providing for the enforcement and collection of the tax; and dedicating the proceeds of the tax to the general fund.

Ways and Means.

By Messrs. Malone and Johnstone:

H. 922. To provide a State Collective Bargaining Law for employees of the State and any political subdivision thereof and for employees in non-profit institutions financially aided from public funds; making an appropriation out of the general fund to carry out the provisions of this Act.

Business and Labor.

By Messrs. Baker and Whatley (With Notice and Proof):

H. 923. Relating to Russell County; to prescribe the civil jurisdiction and the trial tax rate of the Inferior Court; to provide for the compensation and expense allowances of the judge and constables presiding over said court; to provide that the clerk of the circuit court of said county shall also serve as the ex officio clerk of the Inferior Court and to repeal all conflicting statutes.

Local Legislation No. 1.

Notice and Proof H. 923:

STATE OF ALABAMA
COUNTY OF RUSSELL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Russell County; to prescribe the civil jurisdiction and the trial tax rate of the Inferior Court; to provide for the compensation and expense allowances of the judge and constables presiding over said court; to provide that the clerk of the circuit court of said county shall also serve as the ex officio clerk of the Inferior Court and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The jurisdictional limit of the Inferior Court of Russell County is hereby set at five hundred dollars (\$500). In all civil cases filed in said court in which the amount in controversy does not exceed one hundred dollars (\$100) there shall be charged as part of the cost of a trial, a tax in the amount of two dollars (\$2.00). If the amount in controversy exceeds one hundred dollars (\$100) then there shall be charged as part of the cost of a trial, a tax in the amount of four dollars (\$4.00). Said trial tax shall be paid to the general fund of the county.

Section 2. The presiding judge of the Inferior Court of Russell County shall be paid an expense allowance of two hundred and fifty dollars (\$250) per month from the general fund of said county. Such allowance shall be in addition to the salary and other compensation which said judge is now receiving.

Section 3. Any constable who from time to time presides over the Inferior Court of Russell County shall be paid an expense allowance

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of one hundred and twenty-five dollars (\$125) per month from the general fund of said county. Such allowance shall be in addition to the salary and other compensation which said constable is now receiving.

Section 4. The clerk of the Circuit Court of Russell County shall also serve as the ex officio clerk of the Inferior Court of said county and shall be entitled to receive as compensation for his services the same fees, commissions, percentages, allowances and other forms of compensation that are or may hereafter be allowed to other circuit clerks of this state. The county shall furnish said clerk with all necessary equipment, supplies and records.

Section 5. All laws or parts of laws in conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF RUSSELL

Before me, the undersigned authority in and for said County in said State, this day personally appeared William R. Jorgensen, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was General Manager of the Phenix Citizen, a newspaper of general circulation published in Russell County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 29, June 5, June 12, and June 19, all in the year 1975.

WILLIAM R. JORGENSEN.

Sworn to and subscribed before me June 19, 1975.

CAROLYN DUDLEY,
Notary Public.

By Mr. Hall:

H. 924. Relating to public health: prohibiting smoking in certain public areas and prescribing penalties for violation of this act.

State Administration.

By Mr. Morris:

H. 925. To appropriate a one-time grant in the amount of \$150,000 from the Special Educational Trust Fund to Alexander City Junior College to be used to provide an educational program for inmates at Draper Correctional Center, Frank Lee Youth Center, and Julia Tutwiler Prison; such grant not to revert at the end of the fiscal year but to be carried forward from year to year until expended.

Ways and Means.

By Messrs. Wyatt and Cates (With Notice and Proof):

H. 926. To amend Section 2 of Act No. 992, S. 710, Regular Session 1969 (Acts 1969, p. 1756) relating to the county superintendent of education of Crenshaw County, so as to further regulate his compensation.

Local Legislation No. 1.

Notice and Proof H. 926:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF CRENSHAW

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 2 of Act No. 992, S. 710, Regular Session 1969 (Acts 1969, p. 1756) relating to the county superintendent of education of Crenshaw County, so as to further regulate his compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 992, S. 710, Regular Session 1969 (Acts 1969, p. 1756) relating to the county superintendent of education of Crenshaw County is hereby amended to read as follows:

"Section 2. The county superintendent of education of Crenshaw County shall receive as compensation for his service an annual salary in such amount as is fixed by the county board of education, and an expense allowance in an amount fixed by the county board of education. The salary of the county superintendent shall be paid at the times and in the manner prescribed by the general law for the payment of salaries of county superintendents of education. The expense allowance shall be paid in equal monthly installments from the public school funds of Crenshaw County. The county board of education of Crenshaw County is hereby authorized and directed to fix and approve the salary and expense allowance of the county superintendent of education and shall review such salary and expense allowance upon the appointment or reappointment of the county superintendent of education. Such salary and expense allowance shall be the entire compensation allowed the county superintendent and shall be in lieu of all other compensation, salary and allowances heretofore provided for the superintendent of education of such county.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CRENSHAW

Before me, the undersigned authority in and for said County in said State, this day personally appeared Alvin Bland, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor of the Luverne Journal & News, a newspaper of general circulation published in Crenshaw County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Apr. 2, Apr. 9, Apr. 16, and Apr. 23, all in the year 1975.

ALVIN BLAND.

Sworn to and subscribed before me April 24, 1975.

PEGGY L. KNIGHT,
Notary Public.

By Mrs. Quarles (With Notice and Proof):

H. 927. Relating to St. Clair County, providing for the salaries of the chief deputy sheriff and the existing deputy sheriffs, providing for the hiring of additional deputy sheriffs for said county, and providing retroactive effect to the provisions of this act.

Local Legislation No. 1.

Notice and Proof H. 927:

STATE OF ALABAMA
COUNTY OF ST. CLAIR

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to St. Clair County, providing for the salaries of the chief deputy sheriff and the existing deputy sheriffs, providing for the hiring of additional deputy sheriffs for said county, and providing retroactive effect to the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The chief deputy sheriff of St. Clair County shall hereby receive a monthly salary of not less than \$850.00 nor more than \$950.00, and the existing deputy sheriffs shall each receive a monthly salary of not less than \$750.00 nor more than \$850.00. The additional deputy sheriffs which are provided for in Section 2 of this act shall each receive monthly salaries of not less than \$650.00 nor more than \$850.00. The exact salaries of the chief deputy and other deputy sheriffs provided for by this act shall be set by the sheriff of St. Clair County, within the prescribed levels, and subject to approval by the county governing body.

Section 2. The sheriff of St. Clair County is hereby authorized to employ four additional deputies when the county commission deems the employment of such deputies is feasible. Such deputies shall be in addition to the chief deputy and the eight other deputies now serving in the office of the sheriff. The salaries of said additional deputies shall be determined by the Sheriff of said county upon the qualifications, experience, length of service, and abilities of said deputies, subject to the minimum and maximum level provided by this act, and subject to the approval of the county governing body.

Section 3. All laws and parts of laws in conflict herewith are hereby repealed. Act No. 218, S. 248, Regular Session 1955 (Acts 1955, P. 529), Act No. 124, H. 154, 1st Special Session 1964 (Acts 1964, p. 180), Act No. 95, H. 159, Regular Session 1969 (Acts 1969, p. 377), Act No. 124, H. 304, Regular Session 1971 (Acts 1971, p. 403), and Act No. 374, H. 1398, Regular Session 1973 (Acts 1973, p. 524), are specifically repealed.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this Act shall become effective retroactive to March 1, 1975 upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ST. CLAIR

Before me, the undersigned authority in and for said County in said State, this day personally appeared Polly Ramsey, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Bookkeeper of the St. Clair Observer, a newspaper of general circulation published in St. Clair County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 22, May 29, June 5, and June 12, all in the year 1975.

POLLY T. RAMSEY.

Sworn to and subscribed before me June 12, 1975.

ANNE T. CORNETT,
Notary Public.

By Mrs. Quarles (With Notice and Proof):

H. 928. Relating to St. Clair County; fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.

Local Legislation No. 1.

Notice and Proof H. 928:

STATE OF ALABAMA
COUNTY OF ST. CLAIR

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

TO BE ENTITLED
AN ACT

Relating to St. Clair County; fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In St. Clair County, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177, shall be \$10.00 which shall be collected by the sheriff. Seventy-five percent (75 pct.) of each fee collected shall be credited to a special fund or account in the county treasury known as the law enforcement fund, which shall be used exclusively by the sheriff for law enforcement purposes; and the remainder shall be paid into the general fund in the county treasury.

Section 2. The monies deposited into the sheriff's law enforcement fund shall be paid over by the county treasurer to the sheriff of St. Clair County, Alabama from time to time upon written requisition by the Sheriff to the county treasurer. The sheriff shall keep and maintain records of all expenditures made from said fund; and said fund and sheriff's expenditures shall be subject to audit upon resolution from Court of County Commissioners of St. Clair County, or as otherwise provided by law.

Section 3. The establishment of the sheriff's fund as provided in this act and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or the operation of his office.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF ST. CLAIR

Before me, the undersigned authority in and for said County in said State, this day personally appeared Polly Ramsey, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Bookkeeper of the St. Clair Observer, a newspaper of general circulation published in St. Clair County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 22, May 29, June 5, and June 12, all in the year 1975.

POLLY T. RAMSEY.

Sworn to and subscribed before me June 12, 1975.

ANNE T. CORNETT,
Notary Public.

By Mr. McCluskey (With Notice and Proof):

H. 929. Relating to Coosa County; providing additional expense allowance for members of the county commission, making the provisions of this act retroactive.

Local Legislation No. 1.

Notice and Proof H. 929:

STATE OF ALABAMA COOSA COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Coosa County; providing additional expense allowance for members of the county commission, making the provisions of this act retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commissioners of Coosa County shall each receive an additional expense allowance of \$250 dollars per month. This

expense allowance shall be in addition to any and all other salary compensation and expense allowances now provided for by law and shall be paid out of any monies in the county treasury available for such purposes.

Section 2. The provisions of this act shall be retroactive to February 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF TALLADEGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Charles H. Greer, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sylacauga News, a newspaper of general circulation published in Talladega County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 28, May 5, May 12, and May 19, all in the year 1975.

CHARLES H. GREER.

Sworn to and subscribed before me May 19, 1975.

LEE D. GREER,
Notary Public.

By Messrs. Leonard, Boles, Biddle, McNair, Hall, Falkenburg, Jolly, White, Trammell, Andrews, Howard, Hopping, Armstrong, Moore (O), Gafford, Waggoner and Porter:

H. 930. To appropriate \$50,000.00 from the State General Fund to the Birmingham Festival of Arts.

Ways and Means.

By Messrs. Crowe and Naramore (With Notice and Proof):

H. 931. To amend Section 3 of Act No. 200, H. 120, 1969 Special Session (Acts 1969, p. 263) entitled "An act to provide for Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the county, defining violations of the Act; imposing penalties for violations; and repealing conflicting laws" so as to provide for the inclusion of certain other employees under the provision of the Act.

Local Legislation No. 1.

Notice and Proof H. 931:

NOTICE

STATE OF ALABAMA COUNTY OF WALKER

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend Section 3 of Act No. 200, H. 120, 1969 Special Session (Acts 1969, p. 263) entitled "An act to provide for Walker County a civil service system governing the appointment, removal, salaries, tenure and official

conduct of employees of the county, defining violations of the Act; imposing penalties for violations; and repealing conflicting laws" so as to provide for the inclusion of certain other employees under the provision of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act. No. 200, H. 120, 1969 Special Session (Acts 1969, p. 263), is hereby amended to read as follows:

"Section 3. The provisions of this Act shall apply to all officers and employees in the service of the county or any board, agency or instrumentality thereof except: (a) elective officers; (b) members of appointive boards, commission, and committees; (c) all employees of the County Board of Education; (d) attorneys, physicians, surgeons, and dentists employed in their professional capacities; (e) the judge of any court; (f) independent contractors receiving their remuneration from public funds under contracts awarded by competitive bidding; (g) any person whose employment is subject to the approval of the United States Government or any agency thereof; (h) employees of any other board or commission created by the county governing body; provided, however, that the provision of this act should not apply to all non-teacher or supervisory personnel who work under the jurisdiction of the Walker County Board of Education as appointed personnel. The provision of this act shall place all maintenance and transportation division, all clerks and office employees, under the jurisdiction of the Civil Service Act of Walker County.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF WALKER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jacqueline Gober, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Bookkeeper of the DAILY MOUNTAIN EAGLE, a newspaper of general circulation published in Walker County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 28, June 4, June 11, and June 16, all in the year 1975.

JACQUELINE GOBER,
Bookkeeper.

Sworn to and subscribed before me June 16, 1975.

VIRGINIA STOVER,
Notary Public.

By Mr. Crowe:

H. 932. To amend Title 8, Section 91, Code of Alabama 1940, as amended, pertaining to licenses required to capture and kill fur-bearing animals, so as to eliminate the exemption from the license-purchase requirements previously granted anyone trapping beaver only; to reduce the residency period from six (6) months to ninety (90) days; and to provide an exemption where beavers are a nuisance.

Conservation.

By Mr. Crowe:

H. 933. To amend Sections 2 and 3 of Act No. 2059, H. 862, 1971 Regular Session of the Alabama Legislature (Acts 1971, p. 3320), entitled "An Act Providing for the certification of factory-built housing; to provide for the regulation, administration and enforcement of the provisions of this Act by the Alabama Development Office; to establish certain civil remedies and actions in connection with factory-built housing and to provide penalties for violations of this Act or any rule or regulation promulgated hereunder."

Banking.

By Mr. Turnham:

H. 934. To provide for an automatic pay increase to employees of the state who pass the certified professional secretary examination.

Ways and Means.

By Mr. Turnham (With Notice and Proof):

H. 935. To amend further the title and Section 1 of Act No. 853, H. 1152, Regular Session 1961 (Acts 1961, p. 1292), as amended, which requires the commissioner and state department of revenue to collect sales taxes for the town of Camp Hill, Tallapoosa County.

Local Legislation No. 1.

Notice and Proof H. 935:

STATE OF ALABAMA
COUNTY OF TALLAPOOSA
TOWN OF CAMP HILL, ALABAMA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend further the title and Section 1 of Act No. 853, H. 1152, Regular Session 1961 (Acts 1961, p. 1292), as amended, which requires the commissioner and state department of revenue to collect sales taxes for the Town of Camp Hill, Tallapoosa County.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 853, H. 1152, Regular Session 1961 (Acts 1961, p. 1292), as amended, is hereby further amended to read as follows:

"An Act To direct and require the commissioner of revenue and the state department of revenue to collect any sales and use taxes now or hereafter levied in the Town of Camp Hill, Tallapoosa County, Alabama, and its police jurisdiction under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said town; to prescribe the powers, duties and authority of the commissioner of revenue, the state department of revenue, and the comptroller with respect to the method of procedure for collecting such taxes and remitting the proceeds thereof."

Section 2. Section 1 of Act No. 853, H. 1152, Regular Session 1961 (Acts 1961, p. 1292) is hereby further amended to read as follows:

"Section 1. The department of revenue is hereby authorized, directed, and required to collect any sales and use taxes which may be levied in Camp Hill, Tallapoosa County, Alabama and its police jurisdiction under the provisions of any municipal ordinance or resolution with a levy identical to the state levy except for rate of tax, subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments, and deductions as are applicable to the state sales and use tax levied under Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama Recompiled 1958, and all acts now or hereafter amendatory thereof or supplementary thereto, except where inapplicable or where herein otherwise provided, including the provisions for the enforcement and collection of taxes when said ordinance or resolution is duly promulgated and adopted by the governing body of Camp Hill, Tallapoosa County, Alabama, and when a certified copy of said ordinance or resolution has been filed with the department of revenue. Provided, that such taxes shall not be collected from or levied upon the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC liquor stores. Such municipal sales and use taxes shall be collected by the department at the same time and along with the collection by the department of taxes levied and collected for the State of Alabama under the provisions of Act No. 100, H. 94, approved August 18, 1959, and Article 11, of Chapter 20, Title 51, Code of Alabama Recompiled 1958, as amended, and all reports required to be made to the commissioner of revenue hereunder shall, on request to the department of revenue, be made available for inspection by the governing body of Camp Hill, Tallapoosa County, or its designated agent, at reasonable times during business hours. The department of revenue shall prepare and distribute such reports, forms and other information as may be necessary for the collection of such municipal sales and use taxes, and shall have all the authority and duties hereunder as it has in connection with the collection of the State's sales and use taxes provided for by Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama Recompiled 1958, as amended. It shall be the duty of the commissioner of revenue to pay into the state treasury all such taxes collected for Camp Hill, Tallapoosa County, Alabama under this Act; and on or before the first day of the following month the commissioner shall certify to the comptroller the amount of special taxes levied and collected under the provisions of this Act for the use and benefit of Camp Hill, Tallapoosa County, Alabama, during the calendar month immediately preceding the making of such certificate. Whereupon it shall be the duty of comptroller to issue his warrant on the state treasurer for the amount, less expenses, so certified by the commissioner of revenue having been collected for the use of Camp Hill, Tallapoosa County, Alabama and paid into the state treasury; and the amount so certified by the commissioner of revenue as having been collected for the use of such town (less expenses) shall be paid to the treasurer or other custodian of funds of Camp Hill, Tallapoosa County, Alabama. The department of revenue shall charge Camp Hill, Tallapoosa County, Alabama, for collecting such municipal sales and use taxes the cost of making such collections provided, however, that such charge shall not exceed ten percent of the amount collected. The comptroller shall each month draw his warrant on the funds collected hereunder payable to the department of revenue for the amount of such charges. The department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of such municipal sales and use taxes, and otherwise to enforce the provisions of the ordinance or resolution levying such taxes, including any litigation required, and the department of revenue shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes payable to

Camp Hill, Tallapoosa County, Alabama under the provisions of this Act."

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF TALLAPOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Paul Anderson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Dadeville Record, a newspaper of general circulation published in Tallapoosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 1, May 8, May 15, and May 22, all in the year 1975.

PAUL ANDERSON.

Sworn to and subscribed before me June 17, 1975.

DAPHENE L. ANDERSON,
Notary Public.

My Commission Expires 4-1-79.

By Mr. Rich:

H. 936. To amend Section 3 of Act No. 2053, S. 122, 1971 Regular Session (Acts of 1971, p. 3290; now appearing in Code of Alabama, Recompiled 1958, Title 5, Section 318), entitled "To provide maximum finance charges for loans and credit sales; to regulate extensions of credit, including consumer loans, consumer credit sales and consumer leases; to provide penalties for violation of this Act; and to authorize the Superintendent of Banks to administer this Act"; so to set a limit on collection of default of one hundred dollars (\$100.00).

State Administration.

By Messrs. Boles, Hall, Hopping, Malone, McCulley, Smith (C), Brindley, Weeks and McNair:

H. 937. To raise revenue; imposing a tax measured by gross sales or gross receipts derived from the sale of advertising space in newspapers, radio and television; providing for the enforcement and collection of the tax; and dedicating the proceeds of the tax to the general fund.

Ways and Means.

By Messrs. Boles, Trammell, Tucker, Hopping, Howard, McNair, Biddle, Robertson, Malone and Johnstone:

H. 938. To amend Section 207, Title 26, Code of Alabama 1940, as last amended, entitled "An Act Relating to the weekly unemployment compensation benefit account."

Ways and Means.

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By Messrs. Holley, Williams, Drake, Carothers, Crawford, Sasser, White, Baker, Morris, Wyatt, Plaster, Venable, Folmar, Whatley, Smith (J), Edwards, Dial, Teague, Quarles, Manley, Lockett, Cross, Smith (C), Smith (M), Gafford, Andrews, Falkenburg and Biddle:

H. 939. To appropriate \$35,000.00 from the state general fund to the Alabama Historical Commission for the use of the Pea River Historical Society.

Ways and Means.

By Messrs. McNees, Turnham and Naramore:

H. 940. To provide members of the Teachers' Retirement System of Alabama, who became members before October 1, 1971, certain guarantee of retirement benefits, in addition to those provided by Section 366 of Title 52 of the Code of Alabama 1940, as amended, which relates to such benefits payable under the Teachers' Retirement System of Alabama; also provides for a redetermination of benefits payable on or after October 1, 1975 to such members, and further provides for necessary and proper appropriations.

Ways and Means.

By Mr. Cates (With Notice and Proof):

H. 941. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of McKenzie, in Butler County.

Local Legislation No. 1.

Notice and Proof H. 941:

LEGAL

STATE OF ALABAMA
COUNTY OF BUTLER

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of McKenzie, in Butler County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of McKenzie in Butler County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

NW one-fourth of NE one-fourth, Sec. 35; W one-half of SE one-fourth, Sec. 26; Sw one-fourth of NE one-fourth, Sec. 26.

All in Tn. 7, Rn. 13, Butler County, Alabama, Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BUTLER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Roger W. Pride, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Butler County News, a newspaper of general circulation published in Butler County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 5/29/75, 6/5/75, 6/12/75, and 6/19/75, all in the year 1975.

ROGER W. PRIDE.

Sworn to and subscribed before me a Notary Public, 6-23, 1975.

LOUISE T. WILKINSON,
Notary Public.

Com. expires 10-9-78.

By Messrs. Cooper, Johnstone, Malone, Sandusky, LeFlore, McNees and Naramore:

H. 942. To make an appropriation to the State Department of Finance, Division of Service, for construction of shelters for security personnel employed at state parking lots.

Ways and Means.

By Messrs. Owens, Gafford, Drake, Barron, Reed, Venable, Kinsey, Callahan, Hill, Andrews, Waggoner, Moore (O), Carter, Naramore and White:

H. 943. Relating to motor vehicle dealers; providing for the licensing of motor vehicle dealers, reconditioners, or rebuilders, and the wholesalers, providing for qualifications and fees; prescribing information to be included in application; requiring certain records to be kept; providing a penalty; providing for suspension or revocation of license; requiring a bond or evidence of net worth; providing for severability; providing an effective date.

State Administration.

By Messrs. Falkenburg, Armstrong, McNair, Moore (O), Gafford, Andrews, Leonard, Hopping, Porter and White:

H. 944. To amend Act No. 17 of the Second Special Session of the Legislature of Alabama of 1975, approved March 10, 1975, which provided in every County of the State having a population of 600,000 or more according to the last or any subsequent Federal Census for the temporary detention, care and handling of mentally ill persons, pending formal commitment proceedings to determine whether such person should be committed to the Alabama State Hospitals.

Local Legislation No. 2.

By Messrs. Venable and Plaster (With Notice and Proof):

H. 945. Relating to Elmore County; to provide for an expense allowance for certain county officers and employees.

Local Legislation No. 1.

Notice and Proof H. 945:

STATE OF ALABAMA
COUNTY OF ELMORE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Elmore County; to provide for an expense allowance for certain county officers and employees.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Elmore County shall be entitled to receive an expense allowance in the amount of two hundred and fifty dollars per month, and each deputy sheriff shall be entitled to receive an expense allowance in the amount of fifty dollars per month. Such expense allowances shall be in addition to any and all other salary, compensation or allowances now received by such sheriff and deputies, and shall be payable out of the general fund or such other fund in the county treasury as the county governing body may designate.

Section 2. Each member of the Elmore County Commission shall be entitled to receive an expense allowance in the amount of two hundred and fifty dollars per month, which shall be in addition to any and all other salary, compensation or allowances now received by such officer and shall be payable out of the general fund or such other fund in the county treasury as the county governing body may designate.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act shall become effective on the first day of the first month beginning after the passage and approval of this act by the Governor, or its otherwise becoming a law.

THE STATE OF ALABAMA
ELMORE COUNTY

Before me the undersigned authority personally appeared John P. Harris, who by me first being duly sworn deposes and says that he is the publisher of The Wetumpka Herald, a weekly newspaper published at Wetumpka, in Elmore County, Alabama, and that the attached notice a bill to be Entitled and Act, (11-893:5/8/75) was published in said newspaper for four successive weeks towit: 5/15/75, 5/22/75, 5/29/75, and 6/5/75.

JOHN P. HARRIS,
Publisher, The Wetumpka Herald.

Sworn to and subscribed before me this the 5th day of June, 1975.

MRS. ELLEN T. HARRIS,
Notary Public.

By Messrs. Venable and Plaster (With Notice and Proof):

H. 946. To amend further Section 1 of Act No. 47, H. 100 of the 1962 Special Session, as amended, an Act fixing the compensation of certain officers of Elmore County so as to increase the compensation of certain of the officers whose compensation has heretofore been fixed by such Act and to fix the compensation of other officers of such county.

Local Legislation No. 1.

Notice and Proof H. 946:

STATE OF ALABAMA
COUNTY OF ELMORE

Notice is hereby given that a bill substantially as follows be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend further Section 1 of Act No. 47, H. 100 of the 1962 Special Session, as amended, an Act fixing the compensation of certain officers of Elmore County so as to increase the compensation of certain of the officers whose compensation has heretofore been fixed by such Act and to fix the compensation of other officers of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 47, H. 100, of the 1962 Special Session (Acts 1962, p. 63), as amended, is further amended to read as follows:

"Section 1. The annual salaries of the following county officers shall be the amount hereinafter provided, which shall be paid in equal monthly installments out of the general fund of the county as provided by law:

"1. The Judge of Probate shall receive an annual salary of Eighteen Thousand Five Hundred (18,500.00) Dollars.

"2. The Tax Assessor shall receive an annual salary of Fifteen Thousand (15,000.00) Dollars.

"3. The Tax Collector shall receive an annual salary of Fifteen Thousand (15,000.00) Dollars.

"4. The Clerk of the Circuit Court shall receive an annual salary of Twelve Thousand (12,000.00) Dollars.

"5. The Register in Chancery shall receive an annual salary of Three Thousand (3,000.00) Dollars.

"6. The Judge of the Law and Juvenile Court shall receive an annual salary of Fifteen Thousand Five Hundred (15,500.00) Dollars.

"7. The Deputy Solicitor for the county shall receive an annual salary of Seven Thousand Two Hundred (7,200.00) Dollars."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective on October 1, 1975.

**THE STATE OF ALABAMA
ELMORE COUNTY**

Before me the undersigned authority personally appeared John P. Harris, who by me first being duly sworn deposes and says that he is the publisher of The Wetumpka Herald, a weekly newspaper published at Wetumpka, in Elmore County, Alabama, and that the attached notice a Bill to be Entitled an Act (11-892:5/8/75) was published in said newspaper for four successive weeks towit: 5/15/75, 5/22/75, 5/29/75 and 6/5/75.

JOHN P. HARRIS,
Publisher, The Wetumpka Herald.

Sworn to and subscribed before me this the 5th day of June, 1975.

MRS. ELLEN T. HARRIS,
Notary Public.

By Messrs. Venable, Plaster, Smith (M) and Carothers:

H. 947. To provide for license tags on boat trailers; to provide for the cost thereof; and to provide for the disposition of the proceeds thereof.

Conservation.

By Messrs. Crowe, Morris and Merrill:

H. 948. To further amend the Code of Alabama 1940, Title 5, Section 81, which relates to legally required reserves of banks within the state, so as to add penalties for the violation thereof.

Banking.

By Messrs. Crowe, Morris and Merrill:

H. 949. To authorize the Superintendent of Banks to expand the banking powers of Alabama banks or the powers of Alabama savings and loan associations or the powers of Alabama credit unions; to provide that any such additional powers shall not in the case of banks authorize activities which are not properly incident to the business of banking, and in the case of savings and loan associations or credit unions that such additional powers shall not authorize them to offer financial services now prohibited to them; to provide that no bank, savings and loan association and no credit union having their principal place of business outside of Alabama may engage in any such activities in Alabama unless the Superintendent of Banks and the appropriate regulatory authority outside of Alabama have entered agreements authorizing Alabama and non-Alabama institutions to exercise in Alabama and in such other jurisdiction reciprocal rights; to authorize the Superintendent of Banks to issue appropriate regulations; and to require Alabama banks, Alabama savings and loan associations, Alabama credit unions and any similar foreign entity to secure prior written permission of the Superintendent of Banks before exercising such additional powers in Alabama; to provide that the provisions of this Act are cumulative and severable; and to provide for an effective date.

Banking.

By Messrs. Coburn and Goodwin (With Notice and Proof):

H. 950. Relating to Colbert County; to provide for the compensation of certain officers and officials in such county; to provide for referendum

approval of said compensation and to repeal conflicting statutes only if the results of said referendum are affirmative.

Local Legislation No. 1.

Notice and Proof H. 950:

STATE OF ALABAMA
COUNTY OF COLBERT

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Colbert County; to provide for the compensation of certain officers and officials in such county; to provide for referendum approval of said compensation and to repeal conflicting statutes only if the results of said referendum are affirmative.

Be It Enacted by the Legislature of Alabama:

Section 1. In Colbert County, the following county officers shall be compensated on a salary basis as follows:

(A) The probate judge shall be entitled to a salary of \$15,500.00 per annum.

(B) The tax assessor shall be entitled to a salary of \$15,500.00 per annum.

(C) The tax collector shall be entitled to a salary of \$15,500.00 per annum.

(D) The clerk of the circuit court shall be entitled to a salary of \$15,500 per annum.

(E) The register of the circuit court shall be entitled to a salary of \$12,500.00 per annum.

(F) The chairman of the court of county commissioners or other like governing body will be entitled to a salary of \$15,500.00 per annum.

(G) The county coroner shall be entitled to a salary of \$5400.00 per annum.

(H) Each member of the county commission or other like governing body, other than the chairman shall be entitled to a salary of \$5,400.00 per annum.

(I) The members of the board of education shall be entitled to \$25.00 per for each day attendance at meetings of the board.

Section 2. The compensation provided such officers in this Act shall be paid from the general funds of the county in the same manner now provided by law for payment of the compensation of such officers.

Section 3. The provisions of this Act shall become operative in Colbert County only if the Act, in its entirety if first approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose. The election shall be held and conducted within 30 days after the passage of this Act and approval

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by the Governor or its otherwise becoming law. Notice of the election shall be given by the judge of probate of the county, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Shall the provisions of Act No. ____ of the Legislature, approved the ____ day of ____ 1975, which adjust and fix the salaries of certain county officers and officials as listed below, be adopted in its entirety?

- (a) Probate Judge—\$15,500.00 Annum
- (b) Tax Assessor—\$15,500.00 Annum
- (c) Tax Collector—\$15,500.00 Annum
- (d) Clerk of Circuit Court—\$15,500.00 Annum
- (e) Register of Circuit Court—\$12,500.00 Annum
- (f) Chairman, County Commission—\$15,500.00 Annum
- (g) County Coroner—\$5,400.00 Annum
- (h) County Commissioners, other than Chairman—\$5,400.00 Annum
- (i) Members of Board of Education, each \$25.00 Per Meeting

YES () NO ()"

If a majority of the votes cast on the question are affirmative, the provisions of this Act shall be in full force and effect, pursuant to the effective date of this Act and all laws or parts of laws in conflict with this section are hereby repealed. If a majority of the votes cast on the question are negative, then the provisions of this Act shall have no further effect and all statutes which regulated the compensation of the aforementioned county officers and officials, prior to the referendum, herein provided for, shall continue to have the force and effect of law.

Section 4. The provisions of this Act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF COLBERT

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jim Crawford, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Colbert County Reporter, a newspaper of general circulation published in Colbert County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 7, 14, 21, and 28, all in the year 1975.

JIM CRAWFORD, JR.

Sworn to and subscribed before me June 13, 1975.

JEANNIE GRIFFITH,
Notary Public.

My Commission Expires April 1, 1978.

By Messrs. Gregg, Hilliard, Smith (B), Lutz, White, Andrews, Boles, Hall, Starkey, Martin, Cooper, Cross, McCluskey, Greer, Hill, Crowe, Reed, Sandusky, McCulley, Venable, Cates, Carothers, Smith (M), LeFlore, Edwards, Dial, Teague, Kelley, Sasser, Brindley, Pegues, Campbell, Weeks, Harrison, Leonard and Robertson:

H. 951. To provide for a voluntary anatomical gift by executing a statement on state drivers' licenses and to require that a statement be provided for, for such voluntary gifts, on the reverse side of all issued drivers' licenses.

State Administration.

By Messrs. Jackson (R), Hilliard, Hopping and Porter:

H. 952. To amend Sections 1.07, 1.08, 3.01, 3.02, 3.04, 3.15, 4.01, 5.15 and 5.16 of Act No. 452 of the 1955 Regular Session of the Legislature of Alabama (providing a Mayor-Council form of government for cities having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census) as amended, so as to provide a city council for such cities consisting of nine members, nine of whom shall be elected from districts and to allow qualified electors of the city at least 21 years of age to become candidates for election to the City Council.

Local Legislation No. 2.

By Messrs. Gafford, Moore (O), Falkenburg, Andrews, Trammell, Jolly, Waggoner, Goodwin, Coburn, McNees, Biddle, Sandusky, Armstrong, Boles, Morris, White, Clark, Robertson, Hopping, Carter, Sonnier, Martin, Roberts, Teague, Quarles, Holley, Baker, Lewis, Smith (J), Smith (C), Weeks, Burgess, Naramore, Jackson (F), Crowe, Lockett, Whatley, Lutz, Callahan and Malone:

H. 953. To make appropriations for support and maintenance of the Inglenook Academy, located in Jefferson County.

Ways and Means.

H. 746 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 746, from the Standing Committee on State Administration to the Standing Committee on Local Legislation No. 2.

H. 865 RE-REFERRED

No objection being offered the Speaker re-referred the bill, H. 865, from the Standing Committee on Ways and Means to the Standing Committee on Local Legislation No. 2.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Cates:

H. J. R. 112. HOUSE JOINT RESOLUTION COMMENDING PROBATE JUDGE JAMES T. BEELAND FOR MORE THAN THIRTY-FOUR YEARS SERVICE AS PROBATE JUDGE OF BUTLER COUNTY, ALABAMA.

WHEREAS, Judge James T. Beeland has served with honor and distinction as Probate Judge and Chairman of the Butler County Commissioners Court during the period January 1941 through 31 May 1975; and

WHEREAS, Judge T. Beeland has during this period of service supervised the hard surfacing of approximately 500 miles of county roads, replaced numerous wood bridges with concrete structures, twice remodeled and refinshed the Butler County Courthouse and built the Butler County Public Health Center; and

WHEREAS, Judge James T. Beeland has during this period of service kept Butler County debt free; and

WHEREAS, Judge James T. Beeland was for almost forty years a member of the Alabama State Democratic Executive Committee; and

WHEREAS, Judge James T. Beeland was for twelve years a city councilman of Greenville, Alabama; and

WHEREAS, Judge James T. Beeland was for four years Mayor of the City of Greenville, Alabama; and

WHEREAS, Judge James T. Beeland has served as Director and President of The Alabama Association of County Commissioners; and

WHEREAS, Judge James T. Beeland has held elective office continuously for more than fifty years and has never been defeated for public office; and

WHEREAS, Judge James T. Beeland will be sorely missed as Chairman of the Butler County Commissioners Court and his retirement will be a great loss to the people of Butler County; now therefore

BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring, that we do hereby heartily commend Judge James T. Beeland for his long and efficient service to Butler County, and do earnestly wish for him a long and satisfying retirement; and

BE IT FURTHER RESOLVED that a copy of this resolution be furnished Judge James T. Beeland at his place of residence in Greenville, Alabama and a copy be furnished to the Butler County Commissioners Court, Greenville, Alabama.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 112, on the Clerk's desk for one legislative day.

Also:

By Mr. Cates:

H. J. R. 113. HOUSE JOINT RESOLUTION CONGRATULATING EARL M. MCGOWIN UPON HIS ELECTION TO MEMBERSHIP IN THE ALABAMA ACADEMY OF HONOR.

WHEREAS, Earl M. McGowin has been elected to membership in The Alabama Academy of Honor; and

WHEREAS, Earl M. McGowin is a graduate of the University of Alabama and a Rhodes Scholar; and

WHEREAS, Earl M. McGowin was an officer and partner in W. T. Smith Lumber Company for more than forty years; and

WHEREAS, Earl M. McGowin was a member of the Alabama State Legislature for twenty years; and

WHEREAS, Earl M. McGowin has served as Director of the Alabama Department of Conservation; and

WHEREAS, Earl M. McGowin has served as Director of the Alabama State Docks; and

WHEREAS, Earl M. McGowin has served in many high and honorable positions in private business and public service; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both Houses concurring, that we do hereby heartily congratulate Earl M. McGowin upon his well deserved election to membership in the Alabama Academy of Honor; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to Earl M. McGowin at his home in Chapman, Alabama.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 113, on the Clerk's desk for one legislative day.

Also:

By Messrs. Owens, Pegues, Lockett, Edwards, Manley and McCorquodale:

H. J. R. 114. MOURNING THE DEATH OF JUDGE VIRGIS MARION ASHWORTH.

WHEREAS the Alabama legislature has noted with a sense of deep regret the passing of Judge Virgis Marion Ashworth of Centreville; and

WHEREAS Judge Ashworth was a man of dignity who served in this legislature for three consecutive terms after first being elected in 1954; and

WHEREAS Judge Ashworth diligently and efficiently served this legislature as Speaker of the House in 1959; and

WHEREAS Virgis Ashworth at the time of his death was a Circuit Court Judge in the Fourth Judicial Circuit; and

WHEREAS Judge Ashworth exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowman. He gained the respect and affection of all who knew him; and

WHEREAS we shall miss this strong leader whom we have long admired and respected and have been proud to call our friend throughout many years of close association; and

WHEREAS this legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That we mourn the death of Judge Virgis Marion Ashworth and express our deep and sincere sympathy to his widow and his family to whom copies of this resolution shall be sent.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 114, on the Clerk's desk for one legislative day.

RESOLUTION

The following resolution introduced on the ninth legislative day was read by title pursuant to Joint Rule 11:

H. J. R. 108. COMMENDING MRS. FLORENCE C. HURST.

RESOLUTION POSTPONED

On motion of Mr. Moore (O), consideration of the resolution, H. J. R. 108, was postponed to the eleventh legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Fine:

S. J. R. 37. NAMING ACT NO. 2 OF THE SECOND SPECIAL SESSION OF 1975 THE BILL KING ANNUAL SESSIONS ACT.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 37, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 53. Commending Taylor Wilkins for 28 years of service to Baldwin County as Sheriff.

Also:

H. J. R. 63. Congratulating Michael Richey.

Also:

H. J. R. 64. Congratulating W. L. Howell and Son for having the top dairy herd.

Also:

H. J. R. 66. Mourning the death of Mrs. Johnnie Mae Davison.

Also:

H. J. R. 67. Commending the Phenix City Lions Club for their efforts in promoting the Alonzo Stagg Bowl.

Also:

H. J. R. 68. Commending the Athletic Department and Athletic Director Doug Key for the outstanding accomplishments in the first year for athletics at Chattahoochee Valley Community College in Phenix City.

Also:

H. J. R. 70. Congratulating Marty Sargent.

Also:

H. J. R. 71. Congratulating Brent Gurganus.

Also:

H. J. R. 72. Congratulating Michael Harbison, Jr.

Also:

H. J. R. 73. Congratulating Lawrence Sides.

Also:

H. J. R. 74. Mourning the death of George H. Bryant.

Also:

H. J. R. 81. Mourning the death of Coach Pete Lee.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

Under the provisions of Act No. 78, Second Special Session 1975, the President and Presiding Officer has announced the appointment of Mr. Flippo as the Senate member of the Alabama Port Authority.

McDOWELL LEE,
Secretary.

**APPOINTMENT TO PUBLIC CORPORATION
FOR STATE DOCKS FACILITIES**

Under the provisions of House Bill 71, Act Number 1, 1975 Second Special Session of the Alabama Legislature, the Speaker of the House has appointed Mr. H. L. Callahan as the House member of the public corporation for the State Docks Facilities at the Port of Mobile.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Jones:

S. J. R. 39. WISHING IVY SUE KOSTER A HAPPY BIRTHDAY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 39, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Ellis, Pearson, Mims, Noonan, Givhan and Gilmore:

S. J. R. 40. EXTENDING THE TIME OF REPORTING OF THE JOINT INTERIM COMMITTEE TO STUDY THE STATE PARKS CREATED BY ACT NO. 212, S. J. R. 39, THIRD SPECIAL SESSION 1975.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Committee to study all facets of the state parks, created by Act No. 212, S. J. R. 39, Third Special Session 1975, is hereby extended and shall report its finding to the legislature by the second legislative day to occur within the month of August of the Regular Session 1975 and upon the submission of its report shall be dissolved.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 40, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Mr. Moore (O):

H. J. R. 115. COMMENDING MRS. FLORENCE C. HURST.

WHEREAS Mrs. Florence C. Hurst retires this month after being a first grade teacher at Leeds Elementary School in Jefferson County for 40 years; and

WHEREAS Mrs. Hurst in 1972 was chosen an Outstanding Elementary Teacher of America; and

WHEREAS Mrs. Hurst's enthusiasm for her work, her devoted services to her community, her wit and personal charm endear her to all who know her; and

WHEREAS in addition to teaching first grade, Mrs. Hurst has conducted a private kindergarten for two years; represented Teacher's Publishing Co. for five summers; directed a Head Start program for two summers; and handled the mail circulation for the Leeds News on and off for many years; and

WHEREAS Mrs. Hurst has always been active in civic work. Not only has she been a contributing member of the elementary's PTA, but she has also served for many years as the school's representative to the Jefferson County Teacher's Association; and

WHEREAS as a member of Leeds First United Methodist Church, Mrs. Hurst has been a Sunday School teacher superintendent of the children's department and a member of the board of stewards; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we commend Mrs. Florence C. Hurst for her many years of service to the Leeds community and wish her much happiness in her years of retirement which she so richly deserves.

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Hurst.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 115, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Noonan, Owen, Perloff and Roberts:

S. J. R. 33. THANKING THE PEOPLE OF ALABAMA FOR PASSAGE OF THE ALABAMA STATE DOCKS BOND ISSUE.

WHEREAS The Alabama State Docks Bond Issue received widespread public approval with passage of Amendment No. 1 on Tuesday, June 10, 1975; and

WHEREAS The success of The Amendment was due to the genuine interest and personal conviction of the good people of Alabama, public officials, news media, institutions and organizations, too numerous to acknowledge and list herein by name; and

WHEREAS The Governor, The Presiding Officers of both Houses of The Legislature and each member of The Legislature acted to make this Constitutional Amendment possible with passage of H. B. 71 and H. B. 72 in the Second Special Session on March 10, 1975; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the local legislative delegations and citizens from Mobile County and Baldwin County, respectively, take this occasion to earnestly express their deepest appreciation and sincerest thanks to the people of Alabama, public officials, news media, institutions, organizations, the Governor, the President of the Senate, the Speaker of the House and each member of the other legislative delegations for their vision, support, encouragement and personal efforts in helping the Alabama State Docks Bond Issue become a reality, signaling new growth and opportunity for all of Alabama.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolutions, S. J. R. 33, on the Clerk's desk for one legislative day.

RESOLUTION

The following resolution was introduced:

By Mr. Rich:

H. J. R. 116. WHEREAS, Alabama's Sunday closing laws have caused much controversy over the past few years, and

WHEREAS, the courts have ruled that the laws are vague and should be rewritten or repealed in order to clarify this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, that an interim committee to study Alabama's "Sunday Closing Laws", be created and report back to the Legislature no later than the 20th Legislative day. The committee shall consist of a chairman and three other members of the House of Representatives to be appointed by the Speaker of the House and a Vice-chairman and two other members of the Senate to be appointed by the Lt. Governor. Committee members shall serve without receiving any additional compensation or expense allowance other than the compensation or expense allowance received for their regular legislative duties.

The resolution, H. J. R. 116, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

And the bill:

H. 594. To alter, re-arrange and extend the boundaries of the Town of Kinsey, in Houston County, Alabama.

Having been postponed on the eighth legislative day was taken up.

H. 594 POSTPONED

On motion of Mr. Crawford, the bill, H. 594, was postponed to the eleventh legislative day.

And the bill:

H. 785. To provide that the employees of any county having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal decennial census, any city in any such county, except a city having a population of more than 175,000 according to this same census, any municipal utility board, any other municipal agency, and any municipal public or quasi-public corporation, and any other governmental entity within such county, may by election designate a bargaining agent to represent them in respect to the wages the governmental entity employing them shall pay them and in respect to other conditions of employment; to provide for calling and conducting elections to certify a bargaining agent and elections to decertify a bargaining agent; to authorize the director of labor of the State of Alabama to establish rules and regulations governing the call of, notice of, and conduct of such elections; to provide for collective bargaining proceedings to be instituted by the bargaining agent or the officer or body empowered to establish wages for the employees; to provide for compulsory arbitration; to provide for the appointment of arbitrators and define their jurisdiction and authority; to provide that the arbitrators' decisions shall be binding upon all parties; to provide for the enforcement of such decisions by the circuit court; to provide that it shall be unlawful for an employee to strike or engage in any work stoppage or slowdown; and that it shall be unlawful for any bargaining agent, or any officer or body empowered to establish wages for employees to fail to bargain in good faith, in accordance with this act, or to fail to carry out any decision rendered by the arbitrators; to provide penalties for any person violating this act; and to repeal all laws or parts of laws, whether general, special or local, in conflict with this act.

Having been postponed on the ninth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 2.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Carothers, Cates, Coburn, Drake, Falkenburg, Goodwin, Greer, Gregg, Harris, Hill, Hines, Holley, Holmes, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, LeFlore, Lewis, Lutz, McCulley, Malone, Merrill, Moore (O), Naramore, Owens, Reed, Rich, Riddick, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Waggoner, Weeks and Wyatt.

—49

Nays: Messrs. Callahan and Sandusky.

—2

And the bill:

H. 654. Further relating to commercial fishing in public waters in all counties having populations of not less than 115,000 nor more than 150,000; to authorize and provide for a commercial fisherman's helper for certain such fishermen; to provide for the issuance of permits for such helpers; to prescribe the fees for such permits; to provide for their collection and distribution; and to prescribe penalties for violations of this act.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnstone, Jolly, Killian, Lee, Lewis, Lockett, Lutz, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Naramore, Owens, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

—68

And the bill:

H. 757. To alter rearrange and extend the boundary lines and corporate limits of the Town of Goshen, in the County of Pike and State of Alabama; providing for the exemption from ad valorem taxation of farm lands annexed by this Act; and prescribing the time when this Act shall become effective.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Johnstone, Jolly, Kelley, Killian, Lee, Lewis, Lockett, Lutz, McCulley, Malone, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster,

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Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—71

And the bill:

H. 803. To amend Sections 6, 7 and 10 of Act No. 727, H. 1714, 1973 Regular Session (Acts of 1973, p. 1086) relating to Bibb County so as to provide further for the method of compensation of the probate judge and his assistants, the assistants of the circuit clerk and to change the effective date as to the probate judge and his assistants to July 1, 1975.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnstone, Jolly, Killian, Lee, Lewis, Lockett, Lutz, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

—70

And the bill:

H. 804. Relating to Bibb County; fixing the fee for issuance of a pistol permit by the sheriff and providing for the disposition and use of such fees.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnstone, Kelley, Killian, Lewis, Lockett, Lutz, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sanduskey, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—71

And the bill:

H. 805. To amend Act No. 869, H. 1197, 1969 Regular Session (1969 Acts, p. 1579), which act provides for an expense allowance for the mem-

bers of the board of education in Bibb County, so as to provide further for such expense allowance.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Holmes, Johnstone, Jolly, Kelley, Killian, Lewis, Lockett, Lutz, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—70

And the bill:

H. 806. Relating to Bibb County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Lee, Lewis, Lockett, Lutz, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—76

And the bill:

H. 807. Relating to Bibb County; providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Johnstone, Killian, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley,

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Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—72

And the bill:

H. 808. Relating to Bibb County; prescribing additional fees for certain services rendered by the judge of probate of Bibb County; providing for the payment of such fees into the county general fund; providing that the provisions of this act shall be effective July 1, 1975.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Johnstone, Jolly, Kelley, Killian, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Warren, White and Wyatt.

—70

And the bill:

H. 809. To provide that the clerk of the Circuit Court of Bibb County shall be entitled to certain warrant fees in addition to any other compensation or allowances heretofore provided by law.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Johnstone, Jolly, Kelley, Killian, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

—75

And the bill:

H. 810. Relating to Bibb County; to require the county commission to establish a county-wide personnel and merit system under the supervision of the State Personnel Department.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Johnstone, Jolly, Kelley, Killian, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—75

And the bill:

H. 811. Relating to Randolph County; providing for a stenographic secretary for the tax assessor and tax collector.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Johnstone, Jolly, Kelley, Killian, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—79

And the bill:

H. 812. To provide for the compensation of jurors in Randolph County.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Johnstone, Jolly, Kelley, Killian, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Reed, Rich, Riddick,

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Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—75

And the bill:

H. 833. To amend further Act No. 273, S. 292, approved August 7, 1947, (1947 Local Acts, p. 196), as amended and as last amended, which is designated "The Civil Service Act of Dothan".

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Johnstone, Kelley, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—76

And the bill:

H. 835. To allow the county commissioners of all counties having populations of not less than 24,900 nor more than 25,150 inhabitants according to the most recent federal decennial census, to hire cooks and maids for the county jail to be paid out of the general funds of the county; and to make the provisions of this act retroactive.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Johnstone, Jolly, Kelley, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

And the bill:

H. 837. Relating to all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; to provide for an additional secretarial assist-

ant for the office of the district attorney of the judicial circuit in which such county lies.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Johnstone, Jolly, Kelley, Killian, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—74

And the bill:

H. 838. To further amend Act No. 103, H. 372, Regular Session 1963 (Acts 1963, V. 1, p. 486) an Act fixing the compensation of the Walker County Superintendent of education.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Johnstone, Kelley, Killian, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—76

And the bill:

H. 51. To amend Sections 10 and 11 of Article VI of Act No. 1272 of the 1973 Regular Session of the Legislature of Alabama, approved September 18, 1973 (which amended in entirety Act No. 929 of the 1951 Regular Session of the Legislature, page 1579, et seq., as amended) which Act No. 1272 provides for a general pension system for salaried employees in each city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census, and for employees of the county board of health, civil defense agency and civic center, so as to provide in Sections 10 and 11 survivor benefits for the widows and children of retirees and employees.

Was taken up.

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Mr. Gafford offered the following amendment to the bill, H. 51:

Amend H. B. 51, page 4, by deleting the words: "when the survivor first became eligible to receive the same" as appears in paragraph "(b) (ii), and insert in lieu thereof the words:

"of the death of the retiree or participant."

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Johnstone, Jolly, Kelley, Killian, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—72

And the bill, H. 51 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Johnstone, Jolly, Kelley, Killian, Lee, Lewis, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—73

And the bill:

H. 121. To provide for the appointment, duties and Compensation of Twenty-one Deputy District Attorneys in the Tenth Judicial Circuit of Alabama, Birmingham Division.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kelley, Killian, Lee,

Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—78

And the bill:

H. 60. Relating to counties having populations of 600,000 or more according to the most recent federal decennial census; to regulate further the taking of fish from public streams and impounded waters in such counties; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this act.

Was taken up.

Mr. Jolly offered the following amendment to the bill, H. 60:

Amend H. B. 60 by deleting in its entirety its title and Section 1 and inserting in lieu thereof the following:

“Relating to counties having populations of 600,000 or more according to the most recent federal decennial census; to regulate further the taking of fish from public streams and impounded waters in such counties except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The director of the department of conservation and natural resources is hereby authorized and empowered to promulgate rules and regulations authorizing the taking, catching or killing of non-game fish from the public waters of any counties except in municipal parks in this state having populations of 600,000 or more according to the most recent federal decennial census by the use of wire baskets having a mesh of one inch or larger.”

And the amendment was adopted.

Yeas 71; Nays 0.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Clark, Coburn, Crawford, Cross, Drake, Edwards, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Plaster, Porter, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—71

And the bill:

H. 60. Relating to counties having populations of 600,000 or more according to the most recent federal decennial census; to regulate further

the taking of fish from public streams and impounded waters in such counties except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this act.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—76

And the bill:

H. 123. To amend the title and Section 1 of Act No. 302, S. 394, approved August 27, 1915 (Acts 1915, p. 322), creating an election commission for certain cities classified on a population basis, and to provide further for the composition of such commission.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 3.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Carter, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Johnstone, Jolly, Kelley, Killian, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—72

Nays: Messrs. Hilliard, Howard and Jackson (R).

—3

And the bill:

H. 133. To amend Section 6 of Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 entitled "An Act To provide a separate retirement and relief system for certain of the presently active employees of the City of Birmingham who entered the service of the police department of said city prior to September 19, 1939, and to whom is applicable the pension and relief system provided by Act No. 502 of the Regular Session of the Legislature of 1923, as reenacted and amended: to include in said separate system

dependents of said presently active employees; and to render said Act No. 502 inapplicable to said certain presently active employees and their dependents."

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—77

And the bill:

H. 270. To amend Section 6 of Act No. 217 of the 1966 Special Session of the Legislature of Alabama approved August 30, 1966 (Acts of Alabama, 1966, Special Session Page 280 et seq.) Entitled "An Act to Provide A Separate Retirement and Relief System For Certain Of The Presently Active Employees Of The City Of Birmingham Who Entered the Service Of The Fire Department Of Said City Prior to September 19, 1939, And To Whom Is Applicable The Pension and Relief System Provided By Act No. 307 Of The 1943 Regular Session Of The Legislature Of Alabama, as Amended, And Act Number 22 Of The Second Special Session Of The Legislature Of Alabama Of 1956, To Include In Said Separate System Dependents Of Said Presently Active Employees; And To Render Said Act No. 307 and Act Number 22 Inapplicable To Said Certain Presently Active Employees And Their Dependents."

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 1.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

Nay: Mr. Jackson (R).

—1

And the bill:

H. 323. To alter, rearrange and extend the boundary lines and corporate limits of the City of Gardendale, in Jefferson County.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 78; Nays 1.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Reed, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

Nay: Mr. Jackson (R).

—1

And the bill:

H. 324. Relating to any county having a population of 600,000 or more inhabitants, according to the most recent decennial census; providing that all members of the public school boards of education in said county shall reside within the area over which the particular school system has jurisdiction; and providing that present members shall not lose their position and may be reelected.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 4.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Clark, Coburn, Cooper, Cross, Drake, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Reed, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—69

Nays: Messrs. Hilliard, Jackson (R), Leonard and McNair.

—4

And the bill:

H. 384. Pursuant to provisions of Section 155, Article VI of the Constitution of Alabama as amended (Section 6.16 of Amendment CCCXXVIII, proclaimed December 27, 1973), this bill creates and provides for Supernumerary-Retired Probate Judges in counties having a population of 600,000 and over, according to the last or any subsequent federal census, similar to and equal with provisions of law for Circuit Judges in such counties, and provides for continuation of service; creates and establishes the Probate Judges Retirement Fund in such counties for the purpose of providing for the payment of retirement and disability benefits for such judicial officers; prescribing the qualifications, term, duties, powers, authority, compensation and benefits of any such county Supernumerary-Retired Probate Judge of such counties; provid-

ing for payment of contributions into such fund by any eligible probate judge and for payments out of the county general fund or from fees and commissions collected by the probate court and paid into the county general fund. It provides for carrying out the provisions of this Act, and regulates the administration and supervision thereof.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 2.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Drake, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—69

Nays: Messrs. Jackson (R) and Leonard.

—2

And the bill:

H. 411. To provide for the release of inmates of the city jail at the discretion of the judge of recorders court at the time of sentencing, or at the discretion of the mayor of the city at any time during the term of the sentence of such inmates, for the purpose of allowing such inmates to work at gainful employment during the term of sentence, or for the purpose of allowing an inmate to further his education; to provide for the administration of the work release program provided by this Act; to provide for the adoption of rules, regulations and policies governing the release of inmates for work and educational release; to provide for the adoption of rules and regulations concerning the disbursement and deposit of earnings of inmates participating in the work release program.

Was taken up.

H. 411 POSTPONED

On motion of Mr. Andrews, the bill, H. 411, was postponed to the twelfth legislative day.

And the bill:

H. 527. To further amend Act No. 22 of the Second Special Session of 1956, approved March 23, 1956 (Ala. Acts, Special Sessions of 1956, Page 290 et seq.), as heretofore amended, relating to deductions from salary and rights and benefits and pensions and relief of members and former members of the Fire Department of the City of Birmingham and their existing and former dependents under Act No. 307 of the Regular Session of the Legislature of Alabama of 1943, approved June 28, 1943 (General Acts Alabama 1943, Page 264) and the predecessors of said Act.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Folmar, the rules were suspended in order to bring up out of order the bill, H. 82.

And the bill:

H. 82. To name the new music building at Troy State in honor of Dr. John M. Long.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—84

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Gafford, the rules were suspended in order to bring up out of order the bill, H. 391.

And the bill:

H. 391. To authorize the Clerk of the House and Secretary of the Senate to trade in any equipment purchased for the use of the respective houses of the Legislature on purchases of new equipment therefor.

Having been passed and reinstated on the Calendar on the eighth legislative day, was again read at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Craw-

ford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, Malone, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—82

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Williams, the rules were suspended in order to bring up out of order the bill, H. 660.

Yeas 60; Nays 14.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Clark, Cooper, Crawford, Cross, Dial, Drake, Folmar, Ford, Gafford, Goodwin, Hall, Harris, Hilliard, Holley, Johnson, Johnstone, Jolly, Killian, Lee, Lockett, Lutz, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (M), Starkey, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—60

Nays:

Messrs.: Barron, Cates, Hill, Holmes, Hopping, Howard, Jackson (R), Kennedy, Leonard, Lewis, Porter, Riddick, Smith (B) and Taylor.

—14

And the bill:

H. 660. To name the gymnasium at George C. Wallace State Community College after Mrs. Annie Lee Cherry.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—82

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Albright, the rules were suspended in order to bring up out of order the bill, H. 769.

And the bill:

H. 769. (With Amendment): To create a Board of Trustees to manage, control, and maintain Alabama Agricultural and Mechanical University at Huntsville; to prescribe the powers, duties, authority, and compensation of the board; to provide for the appointment and prescribe the terms of office of members thereof; to divest the State Board of Education of all jurisdiction, power and authority with respect to the supervision, management and control of said university; and to provide for the transfer from said State Board of Education to the Board of Trustees of Alabama Agricultural and Mechanical University all supplies, funds, books, documents, records, and other property or effects of such University.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Education, said committee amendment being as follows:

Amend House Bill 769, section 1, line 10 by striking the word which and inserting in lieu thereof the word shall.

Also amend House Bill 769, section 1, line 10 by striking the word resides and inserting in lieu thereof the word reside.

And the amendment was adopted.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Moore (W), Riddick, Gregg, Albright, Smith (B), Lutz and Hilliard as co-sponsors to the bill, H. 769.

And the bill, H. 769 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines,

Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—88

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Holmes, the rules were suspended in order to bring up out of order the bill, H. 266.

And the bill:

H. 266. (With Amendments): To require all judges of this state to consider certain criteria in exercising their discretion for the purpose of determining whether persons accused of misdemeanors shall be released on their own recognizance in lieu of posting bail bond.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 266, Section 1, page 1, line 24 of said bill and said section, by deleting the word shall and inserting in lieu thereof the word may.

And the amendment was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Lee, LeFlore, Leonard, Lutz, McMillan, McNair, Martin, Merrill, Mitchem, Moore (O), Plaster, Porter, Quarles, Reed, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (J), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—70

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 266, Section 1, page 1, line 35, sub-section (h) by striking the word and.

Further amend House Bill 266, Section 1, page 2, line 5, sub-section (h) by striking the period . following the word "appear" and inserting in lieu thereof a semi-colon ; .

Also, amend House Bill 266, Section 1, page 2, line 5, by adding a new sub-section as follows:

(i) and any other criteria the judge might consider necessary.

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And the amendment was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Carothers, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, LeFlore, Lutz, McMillan, Manley, Martin, Merrill, Mitchem, Morris, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (J), Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—64

H. 266 TEMPORARILY POSTPONED

On motion of Mr. Callahan, the bill, H. 266 as amended, was temporarily postponed.

MOTION TO ADJOURN LOST

The motion offered by Mr. Callahan that the House adjourn until 10:00 o'clock a. m., Thursday, June 26, 1975, was lost.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Falkenburg to suspend the rules in order to bring up out of order the bill, H. 234, was lost lacking a four-fifths vote.

Yeas 64; Nays 17.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Carothers, Carter, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Hall, Harris, Harrison, Higginbotham, Hill, Holley, Hopping, Howard, Johnson, Johnstone, Jolly, Lutz, McCulley, McMillan, McNeese, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Quarles, Rich, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—64

Nays:

Messrs.: Barron, Campbell, Clark, Cross, Greer, Gregg, Jackson (R), Kennedy, Lee, Leonard, Lewis, Pegues, Riddick, Roberts, Smith (M), Taylor and Turnham.

—17

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Holley to suspend the rules in order to bring up out of order the bill, H. 311, was lost.

BILLS ON THIRD READING RESUMED

And the bill:

H. 126. (With Amendments): To direct the state department of education to establish and maintain public kindergarten programs as an

integral part of the public schools in Alabama; and to continue the eight kindergarten pilot programs heretofore established.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Education, said committee amendment being as follows:

Amend H. B. 126 by adding at the end of line 34 the following sentence: Provided that funds are appropriated by the Legislature.

And the amendment was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Ford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (R), Johnson, Jolly, Kelley, Kennedy, LeFlore, Leonard, Lutz, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 53. Commending Taylor Wilkins for 28 years of service to Baldwin County as Sheriff.

Also:

H. J. R. 63. Congratulating Michael Richey.

Also:

H. J. R. 64. Congratulating W. L. Howell and Son for having the top dairy herd.

Also:

H. J. R. 66. Mourning the death of Mrs. Johnnie Mae Davison.

Also:

H. J. R. 67. Commending the Phenix City Lions Club for their efforts in promoting the Alonzo Stagg Bowl.

Also:

H. J. R. 68. Commending the Athletic Department and Athletic Director Doug Key for the outstanding accomplishments in the first year for athletics at Chattahoochee Valley Community College in Phenix City.

Also:

H. J. R. 70. Congratulating Marty Sargent.

Also:

H. J. R. 71. Congratulating Brent Gurganus.

Also:

H. J. R. 72. Congratulating Michael Harbison, Jr.

Also:

H. J. R. 73. Congratulating Lawrence Sides.

Also:

H. J. R. 74. Mourning the death of George H. Bryant.

Also:

H. J. R. 81. Mourning the death of Coach Pete Lee of Lee High School.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 126 RESUMED

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Education, said committee amendment being as follows:

Amend H. B. 126 by inserting a new paragraph at the end of Section 1 to read as follows: No public school system will be eligible for a kindergarten program if their teacher-pupil ratio by actual student count in the first three grades exceeds 25-1.

SUBSTITUTE AMENDMENT OFFERED

Mr. Armstrong offered the following substitute amendment to the amendment No. 2 reported by the Standing Committee on Education to the bill, H. 126 as amended:

Amend H. B. 126 by inserting a new paragraph at the end of Section 1 to read as follows: No public school system will be eligible for a kindergarten program if their teacher-pupil ratio by actual student count in the first six grades exceeds 25-1.

MOTION TO TABLE LOST

The motion offered by Mr. Turnham to table the substitute amendment offered by Mr. Armstrong was lost.

Yeas 41; Nays 44.

Yeas:

Messrs.: Albright, Andrews, Baker, Brindley, Callahan, Carter, Cates, Cooper, Dial, Goodwin, Greer, Harrison, Higginbotham, Hill, Hines,

Holley, Hopping, Howard, Johnson, Johnstone, Kelley, Lee, LeFlore, Leonard, Lewis, McCulley, McNees, Malone, Merrill, Mitchem, Reed, Rich, Sandusky, Smith (B), Smith (M), Sparks, Starkey, Taylor, Turnham, Warren and Weeks.

—41

Nays:

Mr. Speaker, Armstrong, Biddle, Campbell, Carothers, Clark, Coburn, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Gregg, Hall, Harris, Jackson (F), Jolly, Kennedy, Lockett, Lutz, McCluskey, Manley, Martin, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Porter, Quarles, Riddick, Roberts, Robertson, Sasser, Smith (C), Venable, Waggoner, White, Williams and Wyatt.

—44

SUBSTITUTE AMENDMENT LOST

The question was then on the substitute amendment offered by Mr. Armstrong to the amendment No. 2 reported by the Standing Committee on Education to the bill, H. 126 as amended, and the substitute amendment was lost.

Yeas 34; Nays 47.

Yeas:

Mr. Speaker, Armstrong, Barron, Biddle, Boles, Campbell, Carothers, Crowe, Falkenburg, Folmar, Gafford, Gregg, Hall, Hill, Jackson (F), Jolly, Lockett, Lutz, McCluskey, Manley, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Quarles, Robertson, Sasser, Smith (M), Venable, Waggoner, White and Williams.

—34

Nays:

Messrs.: Albright, Andrews, Baker, Brindley, Carter, Cates, Cooper, Crawford, Cross, Dial, Edwards, Ford, Goodwin, Greer, Harris, Harrison, Higginbotham, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Lee, Leonard, Lewis, McMillan, McNees, Merrill, Mitchem, Porter, Rich, Riddick, Roberts, Sandusky, Smith (B), Smith (J), Starkey, Taylor, Turnham, Warren, Weeks and Wyatt.

—47

AMENDMENT ADOPTED

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Education to the bill, H. 126 as amended, and the amendment was adopted.

Yeas 70; Nays 9.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Lewis, Lutz, McMillan, McNees, Merrill, Moore (O), Moore (W), Owens, Porter, Quarles, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Smith (B),

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Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—70

Nays:

Messrs.: Campbell, Clark, Crowe, Dial, Hilliard, Lee, Leonard, Mitchem and Roberts.

—9

AMENDMENT OFFERED

Mr. Morris offered the following amendment to the bill, H. 126 as amended:

Amend H. B. 126 by adding the following: Section 7. The provisions of this Act shall not apply until all primary and secondary education teachers, principals and assistant principals are receiving the same compensation, salary and pay, that have equal training and experience, as professors, assistant professors, teachers and instructors that are employed by any Junior College or vocational trade school in this State.

SUBSTITUTE AMENDMENT OFFERED

Mr. Boles offered the following substitute amendment to the amendment offered by Mr. Morris to the bill, H. 126 as amended:

Amend H. B. 126 by adding the following:

Section 7.

The provisions of this Act shall not apply until all primary and secondary education teachers, principals and assistant principals are receiving the same compensation, salary and pay that have equal training and experience, as professors, assistant professors, teachers and instructors that are employed by Junior College, vocational trade school, or state 4 year college or university in this state.

SUBSTITUTE AMENDMENT TABLED

On motion of Mr. Johnson, the substitute amendment offered by Mr. Boles was tabled.

Yeas 76; Nays 12.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Lee, LeFlore, Leonard, Lewis, Lutz, McCulley, McMillan, McNair, McNees, Merrill, Mitchem, Naramore, Owens, Plaster, Porter, Reed, Rich, Roberts, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—76

Nays:

Messrs.: Armstrong, Barron, Campbell, Holley, Lockett, McCluskey, Malone, Manley, Martin, Moore (O), Morris and Pegues.

—12

MOTION TO ADJOURN LOST

The motion offered by Mr. Morris that the House adjourn until 11:00 o'clock a. m., Thursday, June 26, 1975, was lost.

Yeas 37; Nays 50.

Yeas:

Mr. Speaker, Armstrong, Barron, Biddle, Callahan, Carothers, Carter, Crawford, Crowe, Drake, Edwards, Folmar, Ford, Gafford, Gregg, Holley, Jackson (F), Jolly, Kelley, Lockett, McCluskey, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Sparks, Waggoner and Williams.

—37

Nays:

Messrs.: Albright, Andrews, Baker, Brindley, Campbell, Cates, Clark, Coburn, Cooper, Cross, Falkenburg, Goodwin, Greer, Hall, Harrison, Higginbotham, Hill, Hilliard, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Lewis, Lutz, McCulley, McNair, Malone, Merrill, Moore (O), Naramore, Pegues, Plaster, Reed, Riddick, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Taylor, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White and Wyatt.

—50

MOTION TO ADJOURN LOST

The motion offered by Mr. Armstrong that the House adjourn until 12:00 o'clock noon, Thursday, June 26, 1975, was lost.

Yeas 36; Nays 52.

Yeas:

Mr. Speaker, Armstrong, Barron, Biddle, Callahan, Carothers, Carter, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Harris, Jackson (F), Jolly, Kennedy, Lockett, McCluskey, McNair, McNees, Manley, Martin, Moore (W), Morris, Owens, Porter, Rich, Robertson, Sandusky, Waggoner and Williams.

—36

Nays:

Messrs.: Albright, Andrews, Baker, Brindley, Campbell, Cates, Clark, Cooper, Cross, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Lee, LeFlore, Leonard, Lewis, Lutz, McCulley, Malone, Merrill, Mitchem, Moore (O), Naramore, Plaster, Reed, Roberts, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White and Wyatt.

—52

H. 126 RESUMED

AMENDMENT LOST

The question was then on the amendment offered by Mr. Morris to the bill, H. 126 as amended, and the amendment was lost.

Yeas 23; Nays 59.

Yeas:

Mr. Speaker, Armstrong, Barron, Biddle, Campbell, Dial, Gregg, Holley, Howard, Jackson (F), Jolly, Lockett, McCluskey, Manley, Martin,

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Moore (W), Morris, Owens, Pegues, Roberts, Robertson, Sandusky and Venable.

—23

Nays:

Messrs.: Andrews, Baker, Boles, Brindley, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Edwards, Folmar, Ford, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Holmes, Hopping, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Lee, LeFlore, Leonard, Lewis, McCulley, McNair, Malone, Merrill, Mitchem, Naramore, Plaster, Porter, Quarles, Reed, Rich, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Turnham, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—59

AMENDMENT OFFERED

Mr. Riddick offered the following amendment to the bill, H. 126 as amended:

Amend H. 126 by inserting the following Section 3 on Page 2, and re-numbering subsequent sections accordingly:

Section 3. This Act shall not apply to any school which is not accredited by the Southern Association of Colleges and Schools.

MOTION TO POSTPONE TABLED

On motion of Mr. Turnham, the motion offered by Mr. Wyatt that the bill, H. 126 as amended, be postponed to the twenty-fifth legislative day, was tabled.

Yeas 61; Nays 24.

Yeas:

Messrs.: Andrews, Baker, Brindley, Callahan, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Ford, Goodwin, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Lee, LeFlore, Leonard, Lewis, Lutz, McCulley, McMillan, McNair, Malone, Merrill, Mitchem, Moore (O), Porter, Reed, Riddick, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Taylor, Turnham, Waggoner, Warren, Weeks, Whatley, White and Williams.

—61

Nays:

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Campbell, Carothers, Falkenburg, Folmar, Jolly, Lockett, McCluskey, Manley, Martin, Morris, Naramore, Pegues, Plaster, Quarles, Roberts, Robertson, Smith (M), Venable and Wyatt.

—24

MOTION TO ADJOURN LOST

The motion offered by Mr. Holmes that the House adjourn until 11:00 o'clock a. m., Thursday, June 26, 1975, was lost.

Yeas 38; Nays 52.

Yeas:

Mr. Speaker, Armstrong, Biddle, Campbell, Carter, Coburn, Crawford, Crowe, Drake, Edwards, Folmar, Goodwin, Hines, Hopping, Jackson (F),

Jolly, Kelley, Kennedy, Lee, Lockett, McCluskey, McMillan, Manley, Mitchem, Moore (W), Morris, Pegues, Porter, Quarles, Rich, Robertson, Sandusky, Smith (M), Sparks, Taylor, Teague, Waggoner and Wyatt.

—38

Nays:

Messrs.: Albright, Andrews, Baker, Barron, Brindley, Carothers, Cates, Clark, Cooper, Cross, Ford, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Holmes, Howard, Jackson (R), Johnson, Johnstone, LeFlore, Leonard, Lewis, Lutz, McCulley, McNair, Malone, Martin, Merrill, Moore (O), Naramore, Plaster, Reed, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White and Williams.

—52

H. 126 RESUMED AMENDMENT TABLED

The question was then on the adoption of the amendment offered by Mr. Riddick to the bill, H. 126 as amended, and on motion of Mr. Turnham the amendment was tabled.

Yeas 53; Nays 34.

Yeas:

Messrs.: Andrews, Baker, Brindley, Callahan, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Goodwin, Greer, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Lee, LeFlore, Leonard, Lewis, McCulley, McMillan, McNees, Malone, Merrill, Mitchem, Reed, Rich, Roberts, Sandusky, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Turnham, Warren, Weeks and Whatley.

—53

Nays:

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Campbell, Carothers, Coburn, Crowe, Falkenburg, Folmar, Ford, Gafford, Hall, Jackson (F), Jolly, Lockett, McCluskey, Manley, Martin, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Riddick, Robertson, Sasser, Smith (C), Venable, Waggoner, White and Wyatt.

—34

AMENDMENT OFFERED

Mr. Carothers offered the following amendment to the bill, H. 126 as amended:

Amend H. B. 126 by inserting a new paragraph at the end of Section 1 to read as follows: No public school system will be eligible for a kindergarten program if their teacher-pupil ratio by actual student count in the first three grades exceeds 20-1.

AMENDMENT TABLED

On motion of Mr. Johnson, the amendment offered by Mr. Carothers to the bill, H. 126 as amended, was tabled.

Yeas 52; Nays 35.

Yeas:

Messrs.: Albright, Andrews, Baker, Brindley, Callahan, Cates, Clark, Cooper, Crawford, Cross, Drake, Edwards, Goodwin, Greer, Harris,

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Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Lee, LeFlore, Leonard, Lewis, Lutz, McCulley, Malone, Merrill, Mitchem, Plaster, Porter, Reed, Rich, Roberts, Sandusky, Smith (B), Smith (J), Smith (M), Starkey, Taylor, Turnham, Warren, Weeks and Whatley.

—52

Nays:

Mr. Speaker, Armstrong, Barron, Biddle, Campbell, Carothers, Coburn, Crowe, Folmar, Ford, Gafford, Gregg, Hall, Holley, Lockett, McCluskey, McMillan, Manley, Martin, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Quarles, Riddick, Robertson, Sasser, Sonnier, Teague, Venable, Waggoner, White and Williams.

—35

MOTION TO ADJOURN LOST

The motion offered by Mr. Coburn that the House adjourn until 10:00 o'clock a. m., Thursday, June 26, 1975, was lost.

H. 126 RESUMED

AMENDMENT OFFERED

Mrs. Quarles offered the following amendment to the bill, H. 126 as amended:

Amend H. B. 126 to add another Section to restructure primary and secondary schools to 1 to 10 years and with a pupil teacher ratio grades 1 to 3 25 pupils; grades 4-6 28 pupils and no one teacher in secondary over 150 students per day. To repeal all other conflicting laws.

AMENDMENT TABLED

On motion of Mr. Turnham, the amendment offered by Mrs. Quarles to the bill, H. 126 as amended, was tabled.

Yeas 69; Nays 12.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Brindley, Callahan, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hilliard, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Lee, LeFlore, Leonard, Lewis, Lutz, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—69

Nays:

Messrs.: Armstrong, Barron, Campbell, Carothers, Lockett, McCluskey, Manley, Moore (W), Morris, Naramore, Pegues and Quarles.

—12

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Rich removed as co-sponsor to the bill, H. 126.

MOTION TO ADJOURN LOST

The motion offered by Mr. Campbell that the House adjourn until 10:30 o'clock a. m., Thursday, June 26, 1975, was lost.

Yeas 37; Nays 48.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Crawford, Crowe, Drake, Edwards, Folmar, Ford, Gregg, Harris, Holley, Holmes, Kelley, Kennedy, Lee, Lockett, McCluskey, McMillan, Manley, Moore (W), Morris, Pegues, Rich, Robertson, Sandusky, Sasser, Smith (M), Sparks, Taylor, Waggoner, Williams and Wyatt.

—37

Nays:

Mr. Speaker, Albright, Andrews, Cates, Clark, Coburn, Cooper, Cross, Falkenburg, Gafford, Goodwin, Greer, Hall, Harrison, Higginbotham, Hill, Hilliard, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, LeFlore, Leonard, Lewis, Lutz, McCulley, Malone, Martin, Merrill, Mitchem, Naramore, Plaster, Quarles, Reed, Riddick, Roberts, Smith (B), Smith (J), Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley and White.

—48

H. 126 RESUMED

AMENDMENT OFFERED

Mr. Callahan offered the following amendment to the bill, H. 126 as amended:

Amend H. B. 126 as amended as follows:

Substitute Section 5. Nothing contained herein shall in any way affect the items contained in section three (3) hereof.

Renumber other section 5 and those that follow.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 87; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Holley, Holmes, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Lee, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—87

Nay: Mr. Hopping.

—1

REGULAR SESSION
10th Day

717

MOTION TO ADJOURN LOST

The motion offered by Mr. Folmar that the House adjourn until 11:00 o'clock a. m., Thursday, June 26, 1975, was lost.

Yeas 40; Nays 47.

Yeas:

Messrs.: Barron, Boles, Campbell, Carothers, Carter, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Folmar, Ford, Holley, Holmes, Jackson (F), Jackson (R), Kelley, Kennedy, Lee, Lockett, McCluskey, McMillan, McNair, Manley, Mitchem, Moore (W), Morris, Pegues, Quarles, Rich, Robertson, Sandusky, Sasser, Sonnier, Sparks, Taylor, Teague, Williams and Wyatt.

—40

Nays:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Brindley, Cates, Clark, Cross, Falkenburg, Gafford, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hopping, Howard, Johnson, Johnstone, LeFlore, Leonard, Lewis, Lutz, McCulley, Malone, Merrill, Moore (O), Naramore, Owens, Plaster, Reed, Riddick, Roberts, Smith (C), Smith (J), Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley and White.

—47

H. 126 RESUMED

And the bill, H. 126 as amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 24.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Boles, Brindley, Callahan, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Lee, LeFlore, Leonard, Lewis, Lutz, McCulley, McMillan, McNair, McNees, Malone, Merrill, Mitchem, Owens, Porter, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Warren, Weeks, Whatley, White and Wyatt.

—74

Nays:

Messrs.: Armstrong, Barron, Campbell, Carothers, Crowe, Dial, Folmar, Howard, Lockett, McCluskey, Manley, Martin, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Rich, Sasser, Smith (C), Venable, Waggoner and Williams.

—24

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:20 P. M. On June 24, 1975.

H. J. R. 53
H. J. R. 63
H. J. R. 64
H. J. R. 66
H. J. R. 67
H. J. R. 68
H. J. R. 70
H. J. R. 71
H. J. R. 72
H. J. R. 73
H. J. R. 74
H. J. R. 81

JOHN W. PEMBERTON,
Clerk.

MOTION TO ADJOURN

Mr. Crowe offered the motion that the House adjourn until 10:30 o'clock a. m., Thursday, June 26, 1975.

SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. McNair that the House adjourn until 12:00 o'clock noon, Thursday, June 26, 1975, was lost.

MOTION TO ADJOURN LOST

The question was then on the motion offered by Mr. Crowe that the House adjourn until 10:30 o'clock a. m., Thursday, June 26, 1975, and the motion was lost.

ADJOURNMENT

On motion of Mr. Holley, the House adjourned until 10:00 o'clock a. m., Thursday, June 26, 1975.

Yeas 61; Nays 31.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gregg, Hall, Harris, Holley, Holmes, Howard, Johnstone, Kelley, Kennedy, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Owens, Pegues, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (J), Sonnier, Sparks, Starkey, Taylor, Teague, Venable, Waggoner, Weeks, Williams and Wyatt.

—61

Nays:

Mr. Speaker, Andrews, Clark, Coburn, Falkenburg, Gafford, Goodwin, Greer, Harrison, Higginbotham, Hill, Hilliard, Jackson (F), Jackson (R), Johnson, LeFlore, Leonard, McNair, McNeas, Malone, Moore (O), Naramore, Plaster, Reed, Robertson, Smith (C), Trammell, Turnham, Warren, Whatley and White.

—31

REGULAR SESSION
11th Day

719

ELEVENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, June 26, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend John T. Porter, Pastor, 6th Avenue Baptist Church, Birmingham, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—102

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the tenth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the tenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the tenth legislative day was approved.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 116, and ordered same returned to the House with a favorable report:

H. J. R. 116. CREATING AN INTERIM COMMITTEE TO STUDY ALABAMA'S "SUNDAY CLOSING LAWS"

On motion of Mr. Drake, the resolution, H. J. R. 116, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 89, and ordered same returned to the House with a favorable report:

H. J. R. 89. TO DESIGNATE A PORTION OF U. S. 278 IN CULLMAN COUNTY AS THE AVE MARIA GROTTO BOULEVARD.

On motion of Mr. Drake, the resolution, H. J. R. 89, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 102, and ordered same returned to the House with a favorable report:

H. J. R. 102. CREATING THE HISTORIC RESOURCES ADAPTORS COUNCIL.

On motion of Mr. Drake, the resolution, H. J. R. 102, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 105, and ordered same returned to the House with a favorable report:

H. J. R. 105. PETITIONING THE CONGRESS OF THE UNITED STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION WHICH WOULD PROHIBIT DEFICIT SPENDING BY THE GOVERNMENT OF THE UNITED STATES, EXCEPT IN TIMES OF NATIONAL EMERGENCY.

Said resolution was ordered carried over for a third reading on the twelfth legislative day.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, S. J. R. 37, and ordered same returned to the House with a favorable report:

S. J. R. 37. NAMING ACT NO. 2 OF THE SECOND SPECIAL SESSION OF 1975 THE BILL KING ANNUAL SESSIONS ACT.

On motion of Mr. Drake, the resolution, S. J. R. 37, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, S. J. R. 40, and ordered same returned to the House with a favorable report:

S. J. R. 40. EXTENDING THE TIME OF REPORTING OF THE JOINT INTERIM COMMITTEE TO STUDY THE STATE PARKS CREATED BY ACT NO. 212, S. J. R. 39, THIRD SPECIAL SESSION 1975.

On motion of Mr. Drake, the resolution, S. J. R. 40, was adopted.

BILLS ON SECOND READING

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following

bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 144. To amend further Section 114, Title 22, Code of Alabama 1940, which relates to protection of the public against rabies.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 893. To amend Section 1, Act No. 667, H. 1789, Regular Session 1973 (Acts of 1973, p. 1005), entitled "An Act Relating to all counties having populations of not less than 16,245 nor more than 16,300; providing additional clerk hire allowances for the offices of the probate judge, tax assessor, tax collector and circuit clerk in such counties," so as to provide for an increase in the amount of said allowances.

H. 894. To amend Section 1 of Act No. 665, H. 1787, 1973 Regular Session (Acts of 1973, p. 1004), entitled "An Act To provide expenses allowances for members of the county commission of all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census," so as to increase the amount of the expense allowance.

H. 920. To provide for additional expense allowances for certain public officials in Washington County.

H. 926. To amend Section 2 of Act No. 992, S. 710, Regular Session 1969 (Acts 1969, p. 1756) relating to the county superintendent of education of Crenshaw County, so as to further regulate his compensation.

H. 929. Relating to Coosa County; providing additional expense allowance for members of the county commission, making the provisions of this act retroactive.

H. 950. Relating to Colbert County; to provide for the compensation of certain officers and officials in such county; to provide for referendum approval of said compensation and to repeal conflicting statutes only if the results of said referendum are affirmative.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 560. (With Amendments): To authorize the County Commission or like governing body of each of the several Counties to regulate the minimum size of lots, the planning and construction of all public streets, public roads and drainage structures and require proper placement of public utilities located or to be located in subdivisions of land situated outside the corporate limits of any municipality in such county provided that such placement of public utilities shall not be inconsistent with the Southern Building Code and laws and regulations of Federal and State regulatory agencies.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 857. To revise the fee schedule for services rendered in probate offices and establish a new schedule for such services; and to repeal Code of Alabama 1940, Title 11, Section 29, and other general laws of state-wide application in conflict herewith.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 899. (With Amendments): Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18 (f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 108. (With Amendment): To provide an additional expense allowance for the District Attorney of the Twenty-Sixth Judicial Circuit of Alabama.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 109. (With Amendments): Relating to Russell County, providing that the salary of the district attorney's secretary shall be set and paid by the county governing body of Russell County.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 110. (With Amendment): Relating to counties having a population of not less than 42,000 nor more than 49,500 according to the most recent federal decennial census; to create the office of investigator for the district attorney; to provide for his duties, authority and compensation.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 923. (With Amendment): Relating to Russell County; to prescribe the civil jurisdiction and the trial tax rate of the Inferior Court; to provide for the compensation and expense allowances of the judge and constables presiding over said court; to provide that the clerk of the circuit court of said county shall also serve as the ex officio clerk of the Inferior Court and to repeal all conflicting statutes.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 931. To amend Section 3 of Act No. 200, H. 120, 1969 Special Session (Acts 1969, p. 263) entitled "An act to provide for Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the county, defining violations of the Act; imposing penalties for violations; and repealing conflicting laws" so as to provide for the inclusion of certain other employees under the provision of the Act.

H. 935. To amend further the title and Section 1 of Act No. 853, H. 1152, Regular Session 1961 (Acts 1961, p. 1292), as amended, which requires the commissioner and state department of revenue to collect sales taxes for the town of Camp Hill, Tallapoosa County.

H. 941. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of McKenzie, in Butler County.

RESOLUTIONS

The following resolutions introduced on the tenth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 112. COMMENDING PROBATE JUDGE JAMES T. BEE-LAND FOR MORE THAN THIRTY-FOUR YEARS SERVICE AS PROBATE JUDGE OF BUTLER COUNTY, ALABAMA.

H. J. R. 113. CONGRATULATING EARL M. McGOWIN UPON HIS ELECTION TO MEMBERSHIP IN THE ALABAMA ACADEMY OF HONOR.

H. J. R. 114. MOURNING THE DEATH OF JUDGE VIRGIN MARION ASHWORTH.

H. J. R. 115. COMMENDING MRS. FLORENCE C. HURST.

S. J. R. 33. THANKING THE PEOPLE OF ALABAMA FOR PASSAGE OF THE ALABAMA STATE DOCKS BOND ISSUE.

S. J. R. 39. WISHING IVY SUE KOSTER A HAPPY BIRTHDAY.

On motion of Mr. Crowe, the resolutions were adopted en masse.

RESOLUTION INDEFINITELY POSTPONED

The following resolution, H. J. R. 108, introduced on the ninth legislative day was indefinitely postponed.

H. J. R. 108. COMMENDING MRS. FLORENCE C. HURST.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Callahan:

H. 954. To amend Title 8, S 179, Code of Alabama 1940, relating to the Monument of Fort Louis de la Mobile so as to place said monument under the jurisdiction and care of the Alabama Historical Commission.

State Administration.

By Mr. Callahan:

H. 955. To amend Section 17 of the Alabama Motor Carrier Act, Act No. 669, H. 792, Regular Session of the Legislature of 1939 (Acts 1939 p. 1065, now appearing in Code of Alabama Recompiled 1958, Title 48, Section 301 (17)), which section relates to rates, fares and charges of common carriers by motor vehicle, so to provide immunity from anti-trust prosecution for certain common carriers that establish joint rates, charges and classifications with other such carriers.

Ways and Means.

By Mr. McNees:

H. 956. To amend Section 11 of the "Alabama Business Corporation Act", Act No. 414, S. 261, Regular Session 1959 [Acts 1959, p. 1059—now appearing in Code of Alabama, Recompiled 1958, Title 10, Section 21 (11)], so as to provide further for the time that the incorporators shall constitute a body corporate.

State Administration.

By Mr. McNees:

H. 957. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census; to provide an increased clerk hire allowance for certain county officials.

Local Legislation No. 1.

By Mr. Smith (M):

H. 958. To appropriate \$1,400 from the State general fund to the Randolph County Pimento Pepper Development and Promotion Commission.

Ways and Means.

By Messrs. Crowe, Carter and Biddle:

H. 959. To amend Section 8 of Act No. 764, H. 673, 1969 Regular Session [Acts 1969, p. 1357; now appearing in Code of Alabama Recompiled 1958, Title 8, Section 231(42)] entitled "An Act To create a State Forestry Commission; to provide for the appointment of the commission members and to specify their authority and duties; to provide for the appointment of a state forester and assistant state forester and to specify their authority and duties; to provide for the transfer of all monies, records, and physical properties, both real and personal, of the Forestry Division of the Department of Conservation to the Alabama Forestry Commission; to provide for the staff and personnel of the Forestry Commission; to provide for the jurisdiction and the authority for the commission over the state forests and other lands; to provide for the compensation and expenses of the commission

members and the state forester and assistant state forester; to provide the rule-making power of the commission; to provide for a fund to be known as the Alabama Forestry Commission Fund; and repeal all laws or parts of laws in conflict with the provisions of this Act," relative to the location of the main offices of the Alabama Forestry Commission.

State Administration.

By Messrs. Crowe, Carter and Biddle:

H. 960. To make a conditional appropriation to the Alabama Forestry Commission for the purpose of establishing a wildfire emergency fund; to provide for use of the fund; and to provide that the fund be replenished back to its original amount at the end of the fiscal year.

Ways and Means.

By Messrs. Crowe, Carter and Biddle:

H. 961. To authorize the establishment of a purchasing system to serve the State Forestry Commission.

State Administration.

By Messrs. Crowe, Carter and Biddle:

H. 962. To make a supplemental appropriation to the State Agency for Social Security from funds known as the Social Security Contribution Fund in the State Treasury for the Fiscal year ending September 30, 1976.

Ways and Means.

By Messrs. Crowe, Carter and Biddle:

H. 963. To amend the title and Section 1, of Act No. 1281, S. 579, Regular Session 1973 (Acts 1973, p. 2194) authorizing the governing bodies of the several Counties of the State to pay all expenses incurred by the Tax Assessors, Tax Collectors, Circuit Clerks and Registers or other like official by membership in their State organization so as to include Probate Judges.

Local Government.

By Messrs. Crowe and Biddle:

H. 964. To authorize certain rural fire fighting units to purchase equipment through the State Forestry Commission.

State Administration.

By Messrs. Baker and Whatley (With Notice and Proof):

H. 965. To amend further Sections 4, 16, 24 and 26 and to amend and reenact Section 28 of Act No. 13, H. 118 of the 1947 Regular Session (Local Acts 1947, p. 7), as amended, which establishes for the municipality of Phenix City a pension and relief system for the benefit of firemen and policemen, so as to regulate further membership in, creditable service for and retirement under such system.

Local Legislation No. 1.

Notice and Proof H. 965:

STATE OF ALABAMA
COUNTY OF PHENIX CITY

Notice is hereby given that bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

JOURNAL OF THE HOUSE, 1975
11th DayA BILL
TO BE ENTITLED
AN ACT

To amend further Sections 4, 16, 24 and 26 and to amend and reenact Section 28 of Act No. 13, H. 118 of the 1947 Regular Session (Local Acts 1947, p. 7). as amended, which establishes for the municipality of Phenix City a pension and relief system for the benefit of firemen and policemen, so as to regulate further membership in, creditable service for and retirement under such system.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4, as amended, of Act No. 13, H. 118, Regular Session of 1947 is hereby further amended to read as follows:

"Section 4. The revenues of the fund shall be derived and obtained from the following sources A) From the salary of each fireman and policeman there shall be deducted, as the salary becomes payable, a sum equal to eight percent of the amount of such salary; provided, however, that this deduction from his salary shall be stopped upon the completion by a fireman or a policeman of thirty years of membership in the fund; and thereafter he shall be deemed to be entitled to full pension coverage, without additional monthly contributions to the fund. Whenever a member of the fire department or of the police department is ineligible to participate in the benefits of the fund, neither he nor his salary or other compensation shall be subject to any assessment for the benefit of the fund. B) Each fire insurance company doing business in the city shall, before the first day of March of each year, pay into the fund a sum equal to one and one-half percent of the gross premiums, less return premiums, received by such company for and on account of business done by it in the city during the preceding calendar year. It shall be unlawful for any fire insurance company or its agent to take or receive any premium for insurance against fire within the city unless such company pays to the fund any amount herein required to be paid by it. Any fire insurance company that violates any provision of this Act shall forfeit the sum of one thousand dollars, to be recovered for the use of the fund by suit brought in the name of the city. Each person, firm, or corporation conducting a fire insurance agency or brokerage business in the city shall make, and file with the city clerk within the first ten days of each calendar year, a sworn statement of the name and address of each fire insurance company which such person, firm, or corporation represented or did business for as agent or broker during the preceding year. Any person who fails or refuses to file such statement shall forfeit the sum of one hundred dollars, to be recovered for the use of the fund by suit brought in the name of the city. Forfeitures and penalties, when collected, shall be a part of the fund. Any sum, or sums, except forfeitures and penalties, required by this section to be paid by fire insurance companies shall be treated and held to be a part of the privilege tax which any municipal corporation may impose upon fire or marine insurance companies under Section 739 of Title 37 of the 1940 Code. C) Each fireman and policeman is required to pay promptly into the fund his witness fee in any case in which he may have been summoned by the city, and all money received by him as a donation, reward, or gratuity, including any liquor seizure fee, for unusual or special services performed in the line of duty. D) There shall be paid into the fund, as and when received by the city, amounts received by it from the Alabama Alcoholic Beverage Control Board for contraband liquors and beverages confiscated and delivered to that agency. E) The board may take by gift, grant, devise, or bequest, any

money, personal property, or real estate, or any interest therein. Any gift, grant, devise, or bequest may be absolute or upon condition that only the rents, income, and profits arising therefrom shall be applied to the purpose for which the fund is created. F) The governing body of the city shall cause to be paid into the fund monthly, out of the city treasury, an amount sufficient to match the sums contributed from salaries by members of the fire and police departments who are eligible to participate in the benefits of the fund."

Section 2. Section 16, as amended, of Act No. 13, H. 118, Regular Session of 1947 is hereby further amended to read as follows:

"Section 16. Regardless of age or physical condition, any fireman or policeman who has been in the service for as long as 20 years, may be retired and his name placed on the pension roll upon his application therefor. Any person so retired shall be paid monthly from the fund as follows:

"a. 20 years of service shall receive 50 percent of monthly salary at time of retirement.

"b. 21 years of service shall receive 51 percent of monthly salary at time of retirement.

"c. 22 years of service shall receive 52 percent of monthly salary at time of retirement.

"d. 23 years of service shall receive 53 percent of monthly salary at time of retirement.

"e. 24 years of service shall receive 54 percent of monthly salary at time of retirement.

"f. 25 years of service shall receive 55 percent of monthly salary at time of retirement.

"g. 26 years of service shall receive 56 percent of monthly salary at time of retirement.

"h. 27 years of service shall receive 57 percent of monthly salary at time of retirement.

"i. 28 years of service shall receive 58 percent of monthly salary at time of retirement.

"j. 29 years of service shall receive 59 percent of monthly salary at time of retirement.

"k. 30 years of service shall receive 65 percent of monthly salary at time of retirement.

"in addition to the pension benefits herein prescribed, the City of Phenix City shall provide at no cost to the retiree (1) the life insurance plan and (2) hospitalization plan now in force for other city employees. Any unused sick leave at retirement shall be applied on years toward retirement.

"Under no circumstances shall the surviving spouse, children or widowed mother of a deceased fireman or policeman be paid a pension or other relief benefit in excess of \$300.00 per month. In no event shall any member of the police or fire department be retained in active service after attaining the age of 65 years with the exception of Fire Captain J. C. Riddle who shall be allowed to continue in active service until the City of Phenix City decides whether or not policemen and

firemen shall be placed under the state retirement system. In no event shall Captain J. C. Riddle be allowed to continue work beyond January 31, 1976."

Section 3. Section 24 of Act No. 13, H. 118, Regular Session 1947, as amended, is hereby amended further to read as follows:

"Section 24. In the event the Fireman and Police Pension Relief Fund is paying out more money monthly than the fund is taking in, the governing body of the City of Phenix City, Alabama, shall cause to be paid into the Fireman and Police Pension Relief Fund sufficient amounts of money so as to enable the fund to meet its monthly financial obligations. In addition to the monthly contributions herein required, the governing body of the City of Phenix City shall take whatever administrative steps are necessary to make the fund actuarially sound. The annual income of the fund shall mean all revenues paid into the fund during the preceding fiscal year plus the increase during such year in the actual value of investments held (or minus the decrease in the actual value of investments held). The annual expense to the fund shall mean the sum of all moneys paid out not including moneys paid out and invested for the use of the fund."

Section 4. Section 26 of Act No. 13, H. 118, Regular Session 1947, as amended, is hereby amended further to read as follows:

"Section 26, If any fireman or policeman is discharged or if for any other reason he leaves his employment before he becomes entitled to the retirement benefits provided in this Act, he forfeits his rights under the Act. But he shall be entitled to a refund of all deductions made against his salary, without interest, less one-half of all benefits which may have been paid to him from the fund. If any such person however, elected or elects upon leaving such service to leave on deposit in the fund the money he has theretofore paid into the fund, he shall, if re-employment in the fire or police department within six months, be entitled to receive credit for continous service from the beginning of the service which he had rendered prior to leaving the service, provided he pays all the dues which he would have been required to pay had he remained a member of the pension fund from the date of his withdrawal to the date of his re-employment, with interest thereon, at the rate of six percent per annum from the date due until his reemployment. If such fire fighter or policeman does not repay the fund as above prescribed, he may be re-admitted to membership in the fund, in which case he shall be entitled to credit for services rendered prior to his ceasing to be a fire fighter or policeman but not for the interim when he was out of such service.

"When a member with a vested interest is separated from service, such member shall be entitled to such retirement allowance whether he voluntarily separated from service or is dismissed for cause or for any other reason. In the event such member is dismissed for cause or for any other reason, he shall be entitled to make applications for and receive the retirement allowances herein above provided for upon his given written notice herein mentioned.

"Any member of the pension fund who, upon ceasing to be a fire fighter or policeman, withdraws the money which he has contributed to the fund, upon re-entering the fire or police service may, within 30 days, repay to the fund all the money so withdrawn with interest at the rate of six percent per annum from the date of such withdrawal to the date of his re-employment, and thereby be re-admitted to the membership in the fund with all the credit for his prior service. In the event a person who has previously withdrawn the monies he had

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paid into the fund becomes a fire fighter or policeman again and fails to repay the fund all the money withdrawn with interest thereon as above prescribed, he shall receive no credit for his years of service prior to his re-entry into the fire or police department, but he shall be deemed a new employee and a new member of the fund as of the date of his re-employment as a paid fire fighter or policeman. Firemen or policemen absent from the service for a period of two years or more are ineligible to participate in a pension fund other than as a new member.

"Any person who is presently employed as a fireman or policeman when this Act becomes effective who has previously served his employment with the fire or police department and withdrawn his retirement monies and re-entered such service as a new member of the fund who desires to re-instate his prior service credit may do so, provided that within 90 days after this Act becomes law, he repays all the pension monies withdrawn from the fund, with interest at the rate of six percent per annum. If he also repays monies that he would have paid into the fund during the period of his absence from service he will be given full continuing service credit from the time of the beginning of his previous employment in such fire or police service toward pension benefits under the fund. If, however, he repays the monies withdrawn from the fund but does not repay the monies that he would have paid during his absence from the service, than he shall only have credit for service rendered prior to the time he left the fire or police service."

Section 5. Section 28 of Act No. 13, H. 118, Regular Session of 1947, as repealed by Section 6 of Act No. 602, Regular Session of 1967 is hereby reenacted and amended to read as follows:

"Section 28. Upon the effective date of this Act, all employees and future employees in the fire and police service shall be members of the Fireman and Police Pension Relief Fund and afforded all the benefits thereof."

Section 6. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall take effect on the first of the month next following the date of its enactment.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF RUSSELL

Before me, the undersigned authority in and for said County in said State, this day personally appeared William R. Jorgensen, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was General Manager of the Phenix Citizen, a newspaper of general circulation published in Russell County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 29, June 5, June 12, and June 19, all in the year 1975.

WILLIAM R. JORGENSEN.

Sworn to and subscribed before me June 19, 1975.

CAROLYN DUDLEY,
Notary Public.

By Messrs. Baker and Whatley (With Notice and Proof):

H. 966. To authorize and provide for the establishment of emergency medical services for the sick, infirm and injured in Russell County.

Local Legislation No. 1.

Notice and Proof H. 966:

STATE OF ALABAMA
COUNTY OF RUSSELL COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize and provide for the establishment of emergency medical services for the sick, infirm and injured in Russell County.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of incorporated municipalities in Russell County, the governing body of any public hospital in Russell County, and the Russell County Commission or other like governing body of the county, may, jointly or severally, establish within the county, or within any town or city in the county, an emergency medical service including but not limited to the operation of ambulances and the provision of emergency medical and paramedical personnel for the benefit of the sick, infirm or injured, and may make all needful rules and regulations for control and management of such service. The above named governing bodies may jointly or severally enter into any agreement or contract with any individual or company to provide such service, and may appropriate public funds for such purpose.

Section 2. The provisions of this Act are cumulative.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

NOTICE OF PUBLICATION

STATE OF ALABAMA
RUSSELL COUNTY

Before me, the undersigned authority, personally appeared William R. Jorgensen, who after being duly sworn, deposes and says: That he is publisher of The Phenix Citizen-Herald, a newspaper published in Phenix City, Russell County, Alabama, in the English language, and said newspaper having been published consecutively for more than twelve months and mailed as second class mail matter in the United States Post Office at Phenix City, Alabama, and that said newspaper has a general circulation in Phenix City, Russell County, Alabama, and that the attached notice of publication pertaining to Bill—Emergency

Medical Services appeared in The Phenix Citizen on the following dates: May 29, 1975; June 5, 1975; June 12, 1975; June 19, 1975.

WILLIAM R. JORGENSEN,
Publisher.

Sworn to and subscribed before me on this the 19 day of June, 1975.

CAROLYN DUDLEY,
Notary Public.

By Messrs. Turnham and Owens:

H. 967. To require the payment of an initial licensing fee or initial registration fee to the radiation control agency by all persons seeking certain licenses or registrations, require an annual fee to be collected by the judge of probate or licensing commissioner of the counties of the state, to establish the Radiation Control Fund and appropriations therefrom; to provide for the remittance of monies collected by the probate judge or licensing commissioner to the state treasurer for deposit in the Radiation Control Fund; and penalties for failure to pay the fees.

Ways and Means.

By Messrs. Carter and Moore (W):

H. 968. Relating to any county having a population of not less than 39,500 nor more than 41,500, to abolish the fine and forfeiture fund of such county; to provide for the payment of certain fines and forfeitures collected into the general fund of the county; to provide for the payment of certain claims from the general fund of the county in lieu of the fine and forfeiture fund and to provide for the registration of those claims now outstanding and those hereafter accruing.

Local Government.

By Messrs. Carter and Moore (W):

H. 969. Relating to counties having populations of not less than 39,500 nor more than 41,500 according to the most recent Federal Decennial Census, providing for the County Commission to borrow not more than \$300,000.00 for a period not to exceed 18 months to pay for renovation of the County Courthouse within such counties.

Local Legislation No. 1.

By Mr. Waggoner (With Notice and Proof):

H. 970. To authorize the City of Vestavia Hills, Alabama to pay Roland L. Paulin for certain expenses as a result of an injury to his son, Mark Paulin.

Local Legislation No. 2.

Notice and Proof H. 970:

LEGAL NOTICE

A BILL TO BE ENTITLED AN ACT

To authorize the City of Vestavia Hills, Alabama to pay Roland L. Paulin for certain expenses as a result of an injury to his son, Mark Paulin.

Be It Enacted by the Legislature of Alabama:

Section 1. This is to allow and authorize the City of Vestavia Hills, Alabama to pay over to Roland L. Paulin no more than the amount of Five Hundred Twenty One Dollars and Ninety-Six Cents (\$521.96) -----, which is to cover expenses paid by Roland L. Paulin regarding medical expenses in and about the care of his son, Mark Paulin.

Section 2. This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF JEFFERSON

On this 16th day of June A. D. one-thousand nine hundred and 75 personally appeared before me, Charles E. Brown a Notary Public in and for the County and State aforesaid Arthur P. Cook who being duly sworn according to law, declares that he is President of Shades Valley Sun a newspaper published in the City of Homewood, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in Shades Valley Sun on the following dates: May 15, 1975, May 22, 1975, May 29, 1975, June 5, 1975.

ARTHUR P. COOK.

Subscribed and sworn to before me this 16th day of June A. D. 1975.

CHARLES E. BROWN,
Notary Public.

By Messrs. Cooper and Hines:

H. 971. To amend further Code of Alabama 1940, Title 42, Chapter 1, Sections 1, 2, 4, 5, and 8 as amended, relating to the board of pardons and paroles so as to increase the membership of the board and to prescribe the term of board members. To provide that the chairman of the board shall serve as the executive and administer the affairs of the department. The chairman shall establish hearing dockets and appoint hearing panels of 2 members either to take action or pass the record of a hearing onto other members of the board for their action. The chairman may fill in on hearing panels. To alter provisions pertaining to parole of prisoners.

Ways and Means.

By Mr. Folmar:

H. 972. To amend Section 1 of Act No. 451, S. 659, Regular Session of the Legislature of 1973, which act relates to the office of super-numerary county commissioner in all counties with a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census, so as to further prescribe the qualifications for said position in such counties.

Local Legislation No. 1.

By Mr. Manley:

H. 973. To provide for the commitment, recommitment or continued custody of any person accused of a crime but not yet tried or convicted and presently committed to the custody of the Department of Mental Health at Bryce or Searcy Hospitals or other facilities designated by the Commissioner of said Department; to require the judges of the courts of the state to remand back to their respective counties all persons in said hospitals or facilities against whom criminal charges have been nolle prossed or otherwise dismissed; to provide for the commitment, recommitment, or continued custody of a person who

has been adjudicated "not guilty by reason of insanity" of any crime and who is presently committed to the custody of the Department of Mental Health at Bryce or Searcy hospitals or other facilities designated by the Commissioner of said Department; to provide for the commitment, recommitment to the custody of the Department of Mental Health from the persons of the state pursuant to the provisions of Title 45, Section 222, 223, and 224 Code of Alabama 1940, as Recompiled 1958, or the transfer back to the prisons under appropriate circumstances; upon application of the Commissioner of the Department of Mental Health or his designee to authorize the governor to appoint one or more special judges of probate for the purpose of considering hearing and making appropriate orders with regard to the commitment, or recommitment or continued custody of such persons; to provide the judicial authority of such special judges of probate; to provide the jurisdiction of such probate courts over such person; to provide the qualifications of such special judges of probate, and to provide an appropriation to carry out the purposes of this Act.

Ways and Means.

By Mr. Manley:

H. 974. To Provide a procedure of the determination of a criminal defendant's capacity to proceed or continue to trial; to authorize the courts of this state to hold initial hearings on the question of capacity or incapacity, and to authorize courts to commit a defendant to the custody of the Department of Mental Health for further observation and evaluation; and to provide for voluntary or involuntary civil commitment proceedings for persons adjudicated "not guilty by reason of insanity" and to provide the payment of costs of removing defendants to and from the custody of the Department of Mental Health; to amend Title 45, Section 222, Code of Alabama 1940, as Recompiled; and to repeal Title 15, Sections 425, 426, 427, 428, 429, 430 and 431, Title 45, Sections 222 and 223, Code of Alabama 1940, as Recompiled 1958.

Judiciary.

By Messrs. McMillan, Hines, Callahan, Crowe and Kinsey:

H. 975. To provide for the establishment of the state commission for the development of work incentive programs for state welfare recipients; to prescribe the structure, functions and duties of said commission; to prescribe regulations for determining eligibility of persons referred to said commission for enrollment in a work incentive program; and to prescribe a penalty for refusal to enroll in or participate in said work incentive programs.

State Administration.

By Mr. McCluskey (With Notice and Proof):

H. 976. Relating to Coosa county; to provide further for the type of newspapers in which certain notices required to be published in newspapers under the provisions of Section 713, Title 7, Code of Alabama 1940, may be published.

Local Legislation No. 1.

Notice and Proof H. 976:

STATE OF ALABAMA
COUNTY OF COOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Coosa County; to provide further for the type of newspapers in which certain notices required to be published in newspapers under the provisions of Section 713, Title 7, Code of Alabama 1940, may be published.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the type of newspapers designated in Section 713 of title 7, Code of Alabama 1940, as last amended, in which publication of certain notices may be published, in Coosa County the publication of any notice required by law or mortgage or other contract to be published in a newspaper may be published in any newspaper printed in the English language which has general circulation in such county, regardless of where the paper is printed, if the principal editorial office of the newspaper is located within the county, and regardless of whether or not said newspaper is mailed under the second class mailing privilege of the United States post office department.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF TALLADEGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Charles H. Greer, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sylacauga News, a newspaper of general circulation published in Talladega County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 26, June 2, June 9, and June 16, all in the year 1975.

CHARLES H. GREER.

Sworn to and subscribed before me June 19, 1975.

LEE D. GREER,
Notary Public.

By Messrs. Johnson and Robertson:

H. 977. For the relief of Helen Simpson making an appropriation from the general fund in the state treasury to compensate her for wages of which she was deprived by virtue of her being placed on leave without pay for an invalid reason.

Ways and Means.

By Messrs. Hilliard, Jackson (R), Jolly, Harrison, Hopping, Hall, Boles, McNair, Howard, Trammell, Tucker, Porter, Armstrong, Falkenburg, Moore (O), Andrews, Waggoner, Cafford and Leonard:

H. 978. Relating to cities with populations of more than three hundred thousand; allowing said cities to offer tax abatements for up to twelve years to developers who build new commercial or industrial facilities on property within the city limit areas of said cities; providing

that developers receiving such abatements shall, however, pay property taxes assessed on not less than the same value at which said city property was taxed before they built upon it.

Local Legislation No. 2.

By Messrs. Crawford and Whatley:

H. 979. Relating to the third judicial circuit; authorizing the district attorney to appoint an additional secretarial assistant and providing for the compensation of such secretary.

Local Government.

By Messrs. Moore (O), Dial, Teague, Armstrong, Turnham, Carothers, Crowe, Robertson, Manley, Reed, Gafford, Trammell, White, McCluskey, Boles, Waggoner, Andrews, Hopping and Hilliard:

H. 980. To amend Act No. 606, S. 112 of the Regular Session of 1969 (Acts 1969, p. 1110), which creates the office of Supernumerary Probate Judge, amending Sections 1, 4 and 5 thereof, in order to change certain prerequisites for appointment to such office, by reducing the number of years of past service as a probate judge and by providing for the counting of years of service in certain other public offices as a part of the prior service which is prerequisite to appointment to such office; to regulate further the compensation payable to each such officer; and to regulate further the return to such officer of his contributions to the county when he ends his tenure of office prior to becoming a Supernumerary Probate Judge.

Ways and Means.

By Messrs. Moore (O), Smith (C) and Waggoner (With Notice and Proof):

H. 981. To amend Section 8 and Section 9 of Act No. 816, Regular Session of the Alabama Legislature, 1965, Page 1523 relating to Shelby County Planning Commission so as to provide that an election to determine if a beat is to be covered by the master plan and zoning regulations of Shelby County Planning Commission shall be called only after a petition signed by no less than 10% of the number of persons who voted in the last general election held in any such beat has been filed; that no such election shall be held more frequently than at 12 months intervals; than when any beat votes to come under the master plan and zoning regulations the County Commission shall appoint two special members to the County Planning Commission who reside in such beat.

Local Legislation No. 1.

Notice and Proof H. 981:

LEGAL NOTICE

Notice is hereby given of intention to apply at the next session of the Legislature of Alabama, for introduction and passage of a Bill the substance of which, as distinguished from details, is and will be the following:

A BILL TO BE ENTITLED AN ACT

To amend Section 8 and Section 9 of Act No. 816, Regular Session of the Alabama Legislature, 1965, Page 1523 relating to Shelby County Planning Commission so as to provide that an election to determine if a beat is to be covered by the master plan and zoning regulations of Shelby County Planning Commission shall be called only after a

petition signed by no less than 10% of the number of persons who voted in the last general election held in any such beat has been filed; that no such election shall be held more frequently than at 12 months intervals; that when any beat votes to come under the master plan and the zoning regulations the County Commission shall appoint two special members to the County Planning Commission who reside in such beat.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 8 of Act No. 816, Regular Session of the Alabama Legislature, 1965, Page 1523 is hereby amended to read as follows:

"Section 8. Election to Determine if Beat is to be covered by the Master Plan and Zoning Regulations. The master plan and zoning regulations provided by the Commission shall not be applicable in any beat of Shelby County until the majority of the qualified electors of the beat voting in a special election shall have signified by their vote that they desire the authority of the Commission, its master plan and the zoning regulations to apply to their beat. Such an election must be held not less than 30 nor more than 45 days after a petition is filed in the office of the judge of probate seeking such an election and signed by 10% of the number of votes cast in the last general election held in such beat, which electors shall own an interest in real estate that is located in such beat. Notice of such election shall be given by three weeks publication and posting notice in two public places within the beat. The cost of conducting said election shall be paid from the General Fund of Shelby County. The ballot shall be so worded as to give the voter the opportunity to vote either "Yes" or "No" as to whether he wishes the authority of the Commission, its master plan and zoning regulations to apply to such beat. Only those qualified electors residing outside of the boundaries of municipal corporations, or where a municipality now or in the future is authorized to exercise planning and zoning powers in any area outside its municipal boundaries, or such areas excluded from the jurisdiction of the commission as set out in Section 3, shall be permitted to vote or sign a petition calling for election in the beat concerned and a statement to this fact shall be carried on the ballot and the petition or said ballot and petition shall not be valid. Elections provide herein shall not be at more frequent intervals than 12 months.

Section 2. That a Section 8A shall be added to said act as follows:

"Section 8A. In the event the voters of a Beat elect to come under the master plan and zoning regulations of the Shelby County Commission then the Shelby County Commission shall appoint two special members to the Shelby County Planning Commission from such Beat which members shall have the same qualifications as regular members of the Planning Commission and they shall have the same rights, duties, and responsibilities as regular members as to matters before the Planning Commission that relates to land within such beat. Term of office for such special members shall be two years and each may be reappointed."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

STATE OF ALABAMA
SHELBY COUNTY

Personally appeared before me, Judge of Probate, in and for said county, Mildred White Wallace, who being duly sworn according to

law deposes and says that she is the Associate Editor of the SHELBY COUNTY REPORTER a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper 4 weeks consecutively, towit in issues thereof dated as follows: May 15, 22, 29, June 5, 1975.

MILDRED WALLACE,
Associate Editor.

Subscribed and sworn before me this 6 day of June, 1975.

CONRAD M. FOWLER,
Judge of Probate.

By Messrs. Moore (O), Smith (C) and Waggoner (With Notice and Proof):

H. 982. To amend Section 2, Section 3, and Section 4 of Act No. 247, Acts of Alabama 1965, page 357, an "Act to provide a Personnel Appeals Board for Shelby County," so as to further define the term "Employee" within the purview of such Act; and to specify the name of the Shelby County governing body in said Act shall be, "Shelby County Commission", and to provide for the termination of the employment and right of appeal of an employee.

Local Legislation No. 1.

Notice and Proof H. 982:

LEGAL NOTICE

Notice is hereby given of intention to apply at the next session of the Legislature of Alabama, for introduction and passage of a bill the substance of which, as distinguished from details, is and will be the following:

A BILL TO BE ENTITLED AN ACT

To amend Section 2, Section 3, Section 4 of Act No. 247, Acts of Alabama 1965, page 357, an "Act to provide a Personnel Appeals Board for Shelby County," so as to further define the term "Employee" within the purview of such Act and to specify the name of the Shelby County governing body in said Act shall be, "Shelby County Commission" and to provide for the termination of the employment and right of appeal of an employee.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2, Act No. 247, Acts of Alabama 1965, page 357 is hereby amended to read as follows:

"Section 2. For the purposes of this Act the following words and phrases shall have the following meanings:

"Personnel Appeals Board" herein after called the Board Shall mean the Board created by this Act.

"County" shall mean Shelby County. "Employee" shall mean any person whose compensation is paid by the Shelby County Commission and who is regularly employed by an elected official or an appointed official or department head of Shelby County or who is otherwise employed by Shelby County; except that the word "employee" shall not include the chief deputy or the chief clerk or the first assistant of any elected county officer.

"Shelby County Commission" shall mean the existing county governing body or any such succeeding county governing body performing the function of the Shelby County Commission and wherever "Board of Revenue and Control" shall appear in Act No. 247, Acts of Alabama 1965, page 357 and the same shall mean Shelby County Commission.

Section 3. Section 3 of No. 247, Acts of Alabama 1965, Page 357 is hereby amended to read as follows:

"Section 3. The provisions of this Act shall apply to and cover any person whose compensation is paid by the Shelby County Commission and who is regularly employed by an elected official or an appointed official or department head of Shelby County or who is otherwise employed by Shelby County, except the chief deputy or the chief clerk or the first assistant of any elected county officer shall not be included in the provisions of this act, it being intended that each elected official shall have authority to designate a first assistant."

Section 4. Section 4, Act No. 247, Acts of Alabama 1965, Page 357 is hereby amended by adding the following paragraph thereto:

"The County Commission, any elected or appointed official or department head of Shelby County may act, after hearing and due notice thereof, to terminate the employment of an employee who has forfeited his employment by violating any provision of this section following which the dismissed employee may appeal to the Personnel Appeals Board as provided in the next succeeding section;" And by changing the last sentence of said Section 4 to read as follows:

"Any employee of the county to whom this Act applies who violates any provision of this section shall forfeit his or her employment."

Section 5. Any laws or parts of law in conflict with this Act are hereby repealed.

Section 6. The provisions of this Act shall become effective immediately upon the signature of the Governor or its otherwise becoming law.

STATE OF ALABAMA SHELBY COUNTY

Personally appeared before me, Judge of Probate, in and for said county, Mildred White Wallace, who being duly sworn according to law deposes and says that she is the Associate Editor of the SHELBY COUNTY REPORTER a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper 4 weeks consecutively, to wit in issues thereof dated as follows: May 15, 22, 29, June 5, 1975.

MILDRED WALLACE,
Associate Editor.

Subscribed and sworn before me this 6 day of June, 1975.

CONRAD M. FOWLER,
Judge of Probate.

By Messrs. Moore (O), Smith (C) and Waggoner (With Notice and Proof):

H. 983. To amend Section 1 of Act No. 441, Special Session, 1966, Page 170 relating to Shelby County, which authorized the County

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Governing body to appropriate funds for retirement benefits to certain county employees by increasing the retirement benefits from \$75.00 per month to \$150.00 per month commencing as of January 1, 1975.

Local Legislation No. 1.

Notice and Proof H. 983:

LEGAL NOTICE

Notice is hereby given of intention to apply at the next session of the Legislature of Alabama, for introduction and passage of a bill the substance of which, as distinguished from details, is and will be the following:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 1 of Act No. 441, Special Session 1966, Page 170 relating to Shelby County; which authorized the County Governing body to appropriate funds for retirement benefits to certain county employees by increasing the retirement benefits from \$75.00 per month to \$150.00 per month commencing as of January 1, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1, Act 140, Special Session 1966, Page 170 is hereby amended to read as follows:

"Section 1. Any person who shall have been an employee of Shelby County and in the service of the county for not less than twenty years prior to the establishment of the county retirement system, but was not an employee of said county on the date of establishment of such retirement system shall receive a monthly payment of \$150.00 beginning January 1, 1975 and as to any amount accrued as of the passage of this bill there shall be deducted therefrom any such benefit or payment made since January 1, 1975."

Section 2. Any law or parts of law in conflict with this Act are hereby repealed.

Section 3. The provisions of this Act shall become effective immediately upon the signature of the Governor or its otherwise becoming law.

**STATE OF ALABAMA
SHELBY COUNTY**

Personally appeared before me, Judge of Probate, in and for said county, Mildred White Wallace, who being duly sworn according to law deposes and says that she is the Associate Editor of the SHELBY COUNTY REPORTER a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper 4 weeks consecutively, towit in issues thereof dated as follows: May 1, 8, 15, 22, 1975.

MILDRED WALLACE,
Associate Editor.

Subscribed and sworn before me this 23 day of May, 1975.

CONRAD M. FOWLER,
Judge of Probate.

By Messrs. Moore (O), Smith (C) and Waggoner: (With Notice and Proof):

H. 984. To create the office of Deputy License Inspector for Shelby County, to provide for the employment of a person to serve as Deputy License Inspector, to provide for the compensation, duties, and powers of such person.

Local Legislation No. 1.

Notice and Proof H. 984:

LEGAL NOTICE

Notice is hereby given of intention to apply at the next session of the Legislature of Alabama, for introduction and passage of a bill the substance of which, as distinguished from details, is and will be the following:

A BILL TO BE ENTITLED AN ACT

To create the office of Deputy License Inspector for Shelby County, to provide for the employment of a person to serve as Deputy License Inspector, to provide for the compensation, duties, and powers of such person.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established the office of Deputy License Inspector for Shelby County.

Section 2. The Deputy License Inspector shall be appointed by the County Commission and shall serve at the pleasure of the County Commission.

Section 3. The Deputy License Commissioner is hereby authorized to perform all duties and shall possess all authority imposed on or vested in License Inspectors by Title 51 of the Code of Alabama, Recompiled 1958, as amended or by any other statute, and shall perform such other duties as may be prescribed by the governing body of Shelby County.

Section 4. The Deputy License Inspector shall be entitled to receive and shall receive all fees, commissions, and penalties collectable by License Inspectors for services performed by him as provided by Title 51 of the Code of Alabama or other such statute as cited above.

Section 5. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications under this act which shall be given effect without the invalid provisions and applications, and to this end the provisions of this act are declared to be severable.

Section 6. The County governing body shall furnish and supply all stationery, equipment, and supplies necessary for the conduct of the office, except such stationery and supplies as the law requires the State Department of Revenue or the State Department of Finance to furnish to License Inspectors.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

STATE OF ALABAMA
SHELBY COUNTY

Personally appeared before me, Judge of Probate, in and for said county, Mildred White Wallace, who being duly sworn according to law deposes and says that she is the Associate Editor of the SHELBY COUNTY REPORTER a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper 4 weeks consecutively, towit in issues thereof dated as follows: May 1, 8, 15, 22, 1975.

MILDRED WALLACE,
Associate Editor.

Subscribed and sworn before me this 23 day of May, 1975.

CONRAD M. FOWLER,
Judge of Probate.

By Messrs. Campbell and Robertson:

H. 985. Further relating to commercial fishing in public waters in this state; to authorize and provide for a commercial fisherman's helper for certain such fishermen; to provide for the issuance of permits for such helpers; to prescribe the fees for such permits; to provide for their collection and distribution; and to prescribe penalties for violations of this act.

Conservation.

By Messrs. Falkenburg, Boles, Armstrong, Moore (O), Hall, Jackson (R), Hilliard, Jolly, Leonard, Howard, Andrews, Trammell and Waggoner (With Notice and Proof):

H. 986. To amend Section 138, Title 62, Code of Alabama of 1940 (originally enacted as Local Act No. 462 of the 1939 Regular Session of the Legislature of Alabama, approved September 15, 1939, and subsequently reprinted as Section 138, Title 62, of the 1958 Recompiled Code of Alabama), as heretofore amended by Act No. 193 of the 1965 Regular Session of the Legislature of Alabama, approved July 30, 1965, to increase the Law Library Tax in each civil or quasi civil action at law, suit in equity, criminal case, quasi criminal case, proceeding on a forfeited bail bond, or proceeding on a forfeited bail bond given in connection with an appeal from a judgment of conviction in any inferior court or municipal court to the Circuit Court hereafter filed in, arising in, or brought by appeal, certiorari, or otherwise to the Circuit Court of Jefferson County, Alabama, except in the Bessemer Division thereof, from one dollar (\$1.00) to two dollars (\$2.00); to provide that the Law Library Tax in each criminal case hereafter filed in any statutory inferior court in Jefferson County, Alabama, except in the Bessemer Division thereof, shall be fifty cents (\$.50); and to increase the Law Library Tax in each civil case hereafter filed in any statutory inferior court in Jefferson County, Alabama, except in the Bessemer Division thereof, where the amount claimed in the complaint exceeds one hundred dollars (\$100.00) from twenty five cents (\$.25) to fifty cents (\$.50), and where the amount claimed is one hundred dollars (\$100.00) and less, from ten cents (\$.10) to twenty cents (\$.20), said increases to be effective on the first day of the second calendar month next following its passage by the Legislature of Alabama and its approval by the Governor of Alabama, or its otherwise becoming a law.

Local Legislation No. 2.

Notice and Proof H. 986:

Notice is hereby given of intention to apply at any Special or Regular Session of the Legislature of Alabama held during the year 1975 for the adoption of an Act which will be substantially as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 138, Title 62, Code of Alabama of 1940 (originally enacted as Local Act No. 462 of the 1939 Regular Session of the Legislature of Alabama, approved September 15, 1939, and subsequently reprinted as Section 138, Title 62, of the 1958 Recompiled Code of Alabama), as heretofore amended by Act No. 193 of the 1965 Regular Session of the Legislature of Alabama, approved July 30, 1965, to increase the Law Library Tax in each civil or quasi civil action at law, suit in equity, criminal case, quasi criminal case, proceeding on a forfeited bail bond, or proceeding on a forfeited bail bond given in connection with an appeal from a judgment of conviction in any inferior court or municipal court to the Circuit Court hereafter filed in, arising in, or brought by appeal, certiorari, or otherwise to the Circuit Court of Jefferson County, Alabama, except in the Bessemer Division thereof, from one dollar (\$1.00) to two dollars (\$2.00); to provide that the Law Library Tax in each criminal case hereafter filed in any statutory inferior court in Jefferson County, Alabama, except in the Bessemer Division thereof, shall be fifty cents (\$.50); and to increase the Law Library Tax in each civil case hereafter filed in any statutory inferior court in Jefferson County, Alabama, except in the Bessemer Division thereof, where the amount claimed in the complaint exceeds one hundred dollars (\$100.00) from twenty five cents (\$.25) to fifty cents (\$.50), and where the amount claimed is one hundred dollars (\$100.00) and less, from ten cents (\$.10) to twenty cents (\$.20), said increases to be effective on the first day of the second calendar month next following its passage by the Legislature of Alabama and its approval by the Governor of Alabama, or its otherwise becoming a law.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 138, Title 62, Code of Alabama of 1940 (originally enacted as Local Act No. 462 of the 1939 Regular Session of the Legislature of Alabama, approved September 15, 1939, and subsequently reprinted as Section 138, Title 62, of the 1958 Recompiled Code of Alabama), as heretofore amended by Act No. 193 of the 1965 Regular Session of the Legislature of Alabama, approved July 30, 1965, be and the same is hereby amended to read as follows:

In each civil or quasi civil action at law, suit in equity, criminal case, quasi criminal case, proceeding on a forfeited bail bond, or proceeding on a forfeited bond given in connection with an appeal from a judgment of conviction in any inferior or municipal court to the Circuit Court hereafter filed in, arising in, or brought by appeal, certiorari, or otherwise, to the Circuit Court of Jefferson County, Alabama, except in the Bessemer Division thereof, there shall be taxed as costs the sum of two dollars (\$2.00), and in each civil or quasi civil action at law, suit in equity, criminal case, quasi criminal case, proceeding on a forfeited bail bond, or proceeding on a forfeited bond given in connection with an appeal from a judgment of conviction in any inferior or municipal court to the Circuit Court hereafter filed in, arising in, or brought by appeal, certiorari, or otherwise, to the Bessemer Division of the Circuit Court of Jefferson County, Alabama, there shall be taxed as costs the sum of one dollar (\$1.00). In each criminal case hereafter filed in any statutory inferior court in Jefferson County, Alabama, there shall be taxed as costs the sum of fifty cents

(\$50). In each civil case hereafter filed in any statutory inferior court in Jefferson County, Alabama, except in the Bessemer Division thereof, where the amount claimed in the complaint exceeds one hundred dollars (\$100.00) there shall be taxed as costs the sum of fifty cents (\$.50), and where the amount claimed is one hundred dollars (\$100.00) and less, there shall be taxed as costs the sum of twenty cents (\$.20), and in each civil case hereafter filed in any statutory inferior court in the Bessemer Division of Jefferson County, Alabama, there shall be taxed as costs the sum of ten cents (\$.10). The costs taxed in pursuance of this section shall be collected as other costs in such cases are collected, and when collected by the clerks of such courts (including registers in chancery) shall be by them paid to the treasurer of Jefferson County. The sums paid to the county treasurer by the clerk and deputy register of the Circuit Court at Bessemer, Alabama, and other clerks of courts in the territorial jurisdiction of the Circuit Court at Bessemer, or which are collected by clerks in cases while the court is exercising jurisdiction in the territorial jurisdiction of the Circuit Court at Bessemer shall be kept in a separate fund designated as Jefferson County Law Library Fund (Bessemer), and shall be expended by the senior circuit judge, in point of service, sitting at Bessemer for the maintenance of a law library in the Court House at Bessemer. The sums paid to the county treasurer by the clerk and register of the Circuit Court at Birmingham and other clerks in the territorial jurisdiction of the Circuit Court at Birmingham, or collected by clerks in cases while the court is exercising jurisdiction in the territorial jurisdiction of the Circuit Court at Birmingham, shall be kept by the treasurer in another separate fund designated as Jefferson County Law Library Fund (Birmingham), and shall be expended by a circuit judge of the Circuit Court at Birmingham, selected by the circuit judges of the Birmingham Division, for maintaining a law library in the Court House at Birmingham. Said judges shall respectively draw warrants on the treasurer for expenditures by them, indicating on the warrants the fund against which the warrants are drawn. The said items of cost above referred to shall be designated as law library fee, and when any part of the costs in a case have been paid, the amount necessary for the payment of said fee shall be applied thereto before applying any of the amount paid as costs to any other item of costs. On or before the tenth day of each month, the clerks of the respective courts (including registers in chancery) shall pay to the county Treasurer all amounts collected for said law library fees previous to the first day of the month. All books or other property purchased with the funds produced by this section shall be the property of Jefferson County. The management of the law library in the court house at Bessemer is vested in the senior circuit judge, in point of service, sitting at Bessemer; and the management of the law library in the court house at Birmingham is vested in a circuit judge of the Birmingham Division, to be selected by the circuit judges of the Birmingham Division.

Section 2. This Act shall take effect on the first day of the second calendar month next following its passage by the Legislature of Alabama and its approval by the Governor of Alabama, or its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared ELEANOR ABERCROMBIE FOSTER who, by me duly sworn, deposes and says that she is the PUBLISHER OF ALABAMA MESSENGER, (formerly the Alabama Legal Advertiser

and the Birmingham Messenger), a weekly newspaper of GENERAL CIRCULATION, PUBLISHED and PRINTED in Jefferson County, Alabama, and which has been in CONTINUOUS WEEKLY PUBLICATION SINCE 1918, And that there was published in said newspaper in the issues of April 26, May 3, 10, 17, 1975, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER,
Publisher.

Sworn and subscribed to on this the 19th day of May, 1975.

KAREN W. ABERCROMBIE,
Notary Public.

By Messrs. Sasser, Folmar, Holley, Smith (C), Wyatt, Carter, Turnham, Cross, Carothers, Smith (B), Lee, Robertson, Johnson, Crowe, Roberts, Sparks, Brindley, Killian, Starkey, Boles, Baker, Crawford, Williams, Pegues, Manley, Campbell, Jackson (F), Owens, Smith (M), Burgess, Lockett, Gafford, Goodwin, White, Moore (O), Trammell, Leonard, Andrews, McNees, Falkenburg, Armstrong, Teague, Kelley, Mitchem, Rich, Martin, Albright, Biddle, Clark, Morris, Dial, Shelton and Weeks:

H. 987. To provide an educational incentive allowance for state troopers who have completed educational requirements at junior colleges, colleges, or universities.

Ways and Means.

By Mr. Lutz:

H. 988. Relating to the practice of Veterinary medicine and surgery which provides for permits to veterinarians for animal technicians; for the examination and registration of animal technicians; for the payment of examination and registration fees; and which prescribes penalties for violation of the Act; and further providing annual educational requirements for veterinarians with exceptions for certain licensees; and further by amending Section 18 of Act No. 945 of the Regular Session of the Legislature 1951, which relates to the expenses of the Board members.

By Mr. Lutz:

H. 989. To further amend, and to revise and re-enact Title 22, Chapter 2, of the Code of Alabama of 1940 to provide further and more adequately for the protection against rabies.

Health.

By Messrs. Merrill, Shelton and Burgess (With Notice and Proof):

H. 990. Relating to Calhoun County; to provide that the provisions of Act No. 384, H. 946, 1969 Regular Session (Acts of 1969, p. 754) which provides a civil service system for the employees of the sheriff's office of Calhoun County shall apply to certain regular employees of Calhoun County; to repeal Act No. 138, S. 294, 1951 Regular Session (Acts of 1951, p. 363) and other conflicting acts.

Local Legislation No. 1.

Notice and Proof H. 990:

STATE OF ALABAMA COUNTY OF CALHOUN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Calhoun County; to provide that the provisions of Act No. 384, H. 946 1969 Regular Session (Acts of 1969, p. 754) which provides a civil service system for the employees of the sheriff's office of Calhoun County shall apply to certain regular employees of Calhoun County; to repeal Act No. 138, S. 294, 1951 Regular Session (Acts of 1951, p. 363) and other conflicting acts.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of Act No. 384, H. 946, 1969 Regular Session (Acts of 1969, p. 754) which provides for a civil service system for the employees of the sheriff's office of Calhoun County shall apply to all officers and employees in the service of Calhoun County except: (a) elective officers; (b) members of appointive boards, commissions and committees; (c) persons engaged in the profession of teaching or in supervising teaching in the public schools; (d) attorneys, physicians, surgeons and dentists employed in their professional capacity; (e) the judge of any court; (f) independent contractors receiving their remuneration from public funds under contracts awarded by competitive bidding; (g) any person whose employment is subject to the approval of the United States Government or any agency thereof.

Section 2. Whenever said Act No. 384 shall place any rights, duty or obligation on the sheriff or sheriff's department of Calhoun County it shall be treated under the provisions of this current act as if the right, duty or obligation had been placed upon the elected public official in charge of the office or county department affected, and specifically, the tax assessor, tax collector, probate judge, circuit clerk, register in equity, or commissioner of licenses, shall appoint the employees of their respective offices from the list of three candidates furnished by the civil service board and the members of the county governing body shall so appoint general county employees, including but not limited to, the employees of the county road department.

Section 3. The provisions of Act. No. 138, S. 294, 1951 Regular Session (Acts of 1951, p. 363) and all other laws or parts of laws which conflict herewith are hereby repealed.

Section 4. The provisions of this Act shall become effective on the first day of the second month beginning after its passage and approval by the Governor or its otherwise becoming law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CALHOUN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Phillip Sanguinetti, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was President of the The Anniston Star, a newspaper of general circulation published in Calhoun County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 7, June 9, June 16, and June 23, all in the year 1975.

PHILLIP SANGUINETTI.

Sworn to and subscribed before me June 23, 1975.

LOLA J. BRIGHT,
Notary Public.

By Mr. Manley:

H. 991. To authorize every municipality in the State of Alabama and certain public corporations to transfer and convey, without an election, any gas system or part thereof, now or hereafter owned by such municipality or public corporation to any utility corporation subject to regulation by the Alabama Public Service Commission; to require prior approval by the said Commission of any such transfer and conveyance and of the terms thereof; to require that any such transfer and conveyance be made for not less than fair market value as determined by the said Commission; and to require prior approval, by each municipality which authorized, consented to, or made determinations prerequisite to the incorporation of a particular public corporation, of any such transfer or conveyance by such public corporation.

Judiciary.

By Messrs. Boles, Jackson (R), McNair, Leonard, Hall, Porter, Howard, Hilliard, Trammell, Greer, Albright, Smith (B), Weeks, Roberts, Higginbotham, Carothers and Plaster:

H. 992. To repeal Act No. 399 passed by the Alabama Legislature in 1969, Regular Session, effective October 1, 1970, and to create a new agency designated the Alabama Surface Mining Reclamation Commission which shall have the responsibility and authority to implement the provisions of this Act, to regulate and control coal surface mining in Alabama, to require reclamation of all lands affected by surface mining, to investigate evidence of noncompliance with this Act, or the rules and regulations promulgated by the Commission pursuant thereto and to create civil and criminal penalties for the violation of this Act, or rules and regulations issued by the Commission pursuant thereto.

State Administration.

By Messrs. Naramore, Merrill, Drake, Starkey, Sonnier, Weeks, McNees, Rich, Crowe, Taylor, Ford, Greer, Mitchem, Hill, Coburn, Riddick, Carter, McMillan, Hines, Albright, Smith (B), Kelley, Killian, Martin, Roberts, Callahan, Falkenburg, Waggoner, Teague, Brindley, Harris, LeFlore, Johnson, Clark, Whatley, Smith (C), Sparks, Baker, Shelton, Jackson (F), Carothers, Sasser, Kinsey, Cross, Johnstone, McNair, Robertson, Plaster, Howard, Hall, Boles, Holley, Folmar, Venable, McCulley, Dial, Armstrong, Biddle, Hopping, Andrews, Trammell, Jolly, Tucker, Hilliard, Jackson (R), Morris, Goodwin, Gregg, Reed, Malone, Lewis and Wyatt:

H. 993. To authorize Alabama Public School and College Authority to sell and issue three hundred four million dollars (\$304,000,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall

be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Ways and Means.

By Messrs. LeFlore, Howard, Porter, Andrews, Malone, McCulley and Shelton:

H. 994. To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; providing for the collection and enforcement of such taxes; and providing for the distribution of the proceeds.

Ways and Means.

By Messrs. LeFlore, Callahan, Malone, Cooper, Sandusky and McCulley:

H. 995. To propose an amendment to the Constitution of Alabama to authorize the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitoes, rodents and other vectors of public health and welfare significance.

Local Legislation No. 3.

The above bill was read a first time at length as required by the Constitution.

By Mr. Greer:

H. 996. To amend Sections 8, 10, 14, 18, 20, 21, 22 and 24 of Act No. 576, Acts of Alabama 1959, page 1442, volume 2, as amended, entitled, "An Act Relating to the registration of vessels and their operation on the waters of this State and providing for water safety; providing for definitions; registration and identification of vessels used on the waters of this State by the Conservation and Natural Resources Department of this State; the enforcement of this act, duties of the commissioner of the State Department of Conservation and Natural Resources; fee schedule for vessel registration; term of certificates and registration; establishment of a numbering and identifying system in compliance with Federal Boating Act of 1958 and any subsequent amendment thereto; prohibiting vessel operation when unnumbered; establishing exemptions from numbering provisions; requiring safety equipment; requiring records to be kept by boat liveryes; requiring accident reports to be filed with Conservation and Natural Resources Department; certain operations of vessels prohibited; prohibition by local regulation of water safety; granting rule making authority to Commissioner of Conservation and Natural Resources with limitations as set out in this act; the establishment of license fees on vessels and providing penalties for violation of the provisions of this act; providing for an appropriation of \$32,500 to the Department of Conservation and Natural Resources for the administration of the provisions of this Act and for the transfer of certain monies to the Administrative Division

of the Department of Conservation and Natural Resources; to provide for the appointment of special agents to sell boat licenses; to repeal all laws in conflict with the provisions of this Act."

Commerce and Transportation.

By Messrs. Burgess, Shelton and Merrill (With Notice and Proof):

H. 997. To create an Industrial Development Authority for Calhoun County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

Local Legislation No. 1.

Notice and Proof H. 997:

A BILL
TO BE ENTITLED
AN ACT

STATE OF ALABAMA
COUNTY OF CALHOUN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To create an Industrial Development Authority for Calhoun County for the purpose of promoting industry and trade and the development of said county, to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purpose of promoting industry and trade and to assist the county commission or other like governing bodies in Calhoun County in their pursuits therefor, there is hereby created an Industrial Development Authority for Calhoun County which shall be composed of twenty-four (24) members. All members of the Authority shall be residents and qualified electors of Calhoun County. Four of the members of the Authority shall be the Calhoun County legislative delegation. Two of the members of the Authority shall be appointed by the Calhoun County Commission or other like governing body. The Mayors of Anniston, Hobson City, Jacksonville, Oxford, Piedmont and Weaver shall be members of the Authority and each shall appoint one resident citizen of their respective communities, who are at least twenty-one years of age, as members of the Authority. All members of the Authority shall serve for terms of four years. Successors to members of the Authority shall be appointed in the same manner as the original members are appointed and all members shall serve until their successors are so appointed. Vacancies on the board shall be filled by the appointing authority making the original appointment, but any person appointed to fill a vacancy shall serve only for the unexpired portion of the term. In the event that any original position on the authority has not been filled, as herein provided for within thirty (30) days after the effective date of this act, then the Calhoun County Commission shall have the right to appoint a qualified resident citizen of the appropriate community to fill said position.

REGULAR SESSION
11th Day

749

Section 2. The Authority shall hold an organizational meeting within thirty days after the appointment of all its members and shall elect a Chairman and Vice Chairman from among its members. Such officers shall serve for such term as the Authority by rule or regulation may prescribe. After the organizational meeting, the Authority shall meet at the time and place designated in the call. The Chairman or a majority of its members may call a meeting of the Authority, and at least four meetings shall be held annually. The Chairman shall preside at each meeting of the Authority. In his absence the Vice Chairman shall preside. A majority of the members of the Authority shall constitute a quorum. Members of the Authority shall receive no compensation for their services, but they shall be entitled to reimbursement for their actual and necessary expense incurred in the performance of their official duties.

Section 3. Upon the organization of the Industrial Development Authority of Calhoun County said Authority shall be constituted an instrumentality for the exercise of public and essential government functions and the exercise of the powers conferred by this act, and the development of the county shall be deemed to be an essential governmental function of the county.

Section 4. The Authority may employ a Director, who shall be its chief administrative officer and serve as secretary to the Authority. The Authority shall fix the salary of the Director who shall serve at its pleasure. The Director shall have authority to employ clerical and other assistants subject to the approval of the Authority. The Authority may require the Director to be bonded for the faithful performance of his duties before he enters upon the discharge thereof.

Section 5. The Authority or its agents and employees may (a) investigate, study and engage in basic research relative to the natural resources of land, water, minerals, and people in the county and apply its findings in efforts to promote a sound and balanced agricultural, industrial and economic development of the county; (b) cooperate with municipal, regional state or federal planning or other industrial development authorities; (c) publicize and advertise the industrial, commercial and agricultural resources and opportunities in the county; (d) collect, compile and distribute literature concerning the facilities, advantages and attractions of the county, the educational, historic, recreational and scenic places of interest within the county and the air, water and highway transportation facilities; (e) contract with other agencies, individuals or corporations to promote the purposes of this act; and expressly to contract with any municipality in the county, not having an industrial development board, to act as the development agency for such municipality, and as such agency to exercise all powers granted to municipal development agencies under the general laws of the state; (f) enter upon any land in the county, with consent of the owner, and make examinations and surveys and place and maintain necessary monuments and markings thereon; (g) accept gifts, grants, bequests or devises; and (h) acquire land for industrial park development and construct buildings for lease, for industrial development only.

Section 6. The Authority may establish and maintain an office at some suitable place within the county, and cost of securing, furnishing, equipping, lighting, heating and maintaining such office shall be a lawful charge against any funds appropriated for the use of the Authority.

Section 7. The cost of operation of the Authority shall be borne by the county and the aforementioned cities and towns. On or before October 1 of each year, the Authority shall certify to the appropriate

official of each city and town what the proportionate amount of the funding of the Authority shall be for said city or town, such amount to be based on the ratio of the population of the city or town to the total population of the county. Each city or town shall remit its proportionate amount on or before November 30 of each year. The authority shall then deposit such monies in a special fund in the county treasury to the credit of the Authority. All other funds otherwise coming into the hands of said Authority shall likewise be deposited in said fund. The ordinary and necessary operating expenses of the Authority including the expenses of the Authority shall be paid out of Authority funds.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws in conflict with this act are appealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CALHOUN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Phillip Sanguinetti, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was president of the The Anniston Star, a newspaper of general circulation published in Calhoun County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 24, March 31, April 7, and April 14, all in the year 1975.

PHILLIP SANGUINETTI.

Sworn to and subscribed before me April 15, 1975.

LOLA J. BRIGHT,
Notary Public.

By Mr. Moore (O):

H. 998. To amend Act No. 765, H. 314, Regular Session 1973, [Acts 1973, p. 1147, now appearing in Code of Alabama Recompiled 1958, Title 36, Sections 167-217] entitled "An Act Relating to motor vehicles: To provide means for the recovery of stolen motor vehicles by requiring the registration of ownership of and liens upon motor vehicles with the State Department of Revenue; to provide for and regulate the issuance of certificates of title and the notation thereon of liens; to require the maintenance of records relative to certificates of title and notation of liens thereon; to grant certain powers and authority to and impose certain duties on the State Department of Revenue and to impose penalties for violations of this Act; to appropriate funds to be used in the administrations of this Act" to authorize certain law enforcement officers to examine identification or serial numbers of certain vehicles.

State Administration.

REGULAR SESSION
11th Day

751

By Mr. Albright:

H. 999. Proposing an amendment to the Constitution of Alabama to authorize certain constitutional officers to serve an unlimited number of successive terms in the office.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Callahan:

H. 1000. To amend Sections 1 and 3 of Act No. 987, Acts of Alabama, 1971 Regular Session, p. 1763, entitled "An Act to rename the Department of Conservation; to rename the Division of Seafoods of the Department of Conservation; to designate and provide for the official titles or classifications of the head and assistant head of the Department and the division heads and certain administrative personnel in the Department", so as to provide for an Advisory Commission for Conservation and Natural Resources and the qualifications of the Chief Counsel of said department.

Conservation.

By Mr. Cross:

H. 1001. Relating to the circuit judge in every judicial circuit composed of one county, having but one circuit judge, with a population of not less than 27,000 nor more than 27,900, authorizing an expense allowance for the circuit judge; and repealing Act No. 1467, S. 1001, 1971 Regular Session (Acts of 1971, p. 2510) entitled, "An Act relating to the office of the circuit judge in every judicial circuit composed of one county, having but one circuit judge with a population of not less than 27,000 nor more than 27,900, authorizing an expense allowance for the circuit judge."

Local Legislation No. 1.

By Mr. Cross:

H. 1002. To amend further the title and Section 1 of Act No. 611, H. 754, Regular Session 1967 (Acts 1967, p. 1416), as amended, which provides for the appointment of an additional clerk as assistant to the clerk by the circuit court clerk in certain counties classified on a population basis, so as to increase the compensation of said assistant to the clerk.

Local Legislation No. 1.

By Mr. Cross:

H. 1003. Relating to the official court reporter in every judicial circuit, composed of one county with a population of not less than 27,000 nor more than 27,900, so as to authorize an expense allowance for the court reporter.

Local Legislation No. 1.

By Messrs. Brindley, Barron, McNees and Naramore:

H. 1004. To amend Title 52, Section 100, Code of Alabama, 1940, to change the name of local School Trustees to that of Local School Advisory Committee and to repeal Title 52, Sections 138, 139, 140, 141, 143, 144, 145, 146 and 147 and to further provide for the selection of Local School Advisory Committees and specify their powers.

Education.

By Mr. Holley:

H. 1005. Relating to counties having populations of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; to regulate further the taking of fish from public streams; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the taking of non-game fish from public lakes; prohibiting the sale of fish so taken; prescribing penalties for violation of this act.

Local Legislation No. 1.

By Messrs. Hines and Warren:

H. 1006. To make a supplemental appropriation to Atmore Trade School for remodeling and equipment.

Ways and Means.

By Mr. Turnham:

H. 1007. Relating to education; requiring all public high schools to give instruction to all students on the essentials and benefits of the free enterprise system; prescribing duties of the State Board of Education, the State Department of Education and Boards of Education of each school district; and establishing an effective date.

Education.

H. 845 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 845, from the Standing Committee on Local Legislation No. 2 to the Standing Committee on Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Porter, Jackson (R), Howard, Hilliard, McNair, Harrison and Tucker:

H. J. R. 117. MOURNING THE DEATH OF MRS. LUCINDA BROWN ROBEY.

WHEREAS this legislature has noted with a deep sense of regret the passing of Mrs. Lucinda Brown Robey, principal of Moore Elementary School in Birmingham; and

WHEREAS Mrs. Robey has been an active and contributing part of the public school system since 1941; and

WHEREAS Mrs. Robey always gave generously of her time and self to others. She influenced and guided countless youths who will never forget the kindness and gentleness of Mrs. Robey; and

WHEREAS Mrs. Lucinda Brown Robey was active in civic and social affairs, especially as a part of the Alabama Christian Movement for Human Rights; and

WHEREAS this body would like to pay tribute to this wonderful lady who enriched the lives of so many; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mrs. Lucinda Brown Robey and express our deep and sincere sympathy to her husband to whom a copy of this resolution shall be sent.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 117, on the Clerk's desk for one legislative day.

Also:

By Mr. McCluskey:

H. R. 118. REQUESTING AN ADVISORY OPINION OF THE SUPREME COURT RELATIVE TO H. B. 139.

BE IT RESOLVED BY THE HOUSE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending bill, H. B. 139, a copy of which is attached to this resolution and made a part hereof by reference:

1. Does Section 2 of H. B. 139 conflict with Article 1, Section 14 of the Constitution of Alabama 1901?

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send five true copies of the pending bill, H. B. 139, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

The resolution, H. R. 108, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

And the bill:

H. 594. To alter, re-arrange and extend the boundaries of the Town of Kinsey, in Houston County, Alabama.

Having been postponed on the tenth legislative day was taken up:

Mr. Crawford offered the following substitute to the bill:

A BILL TO BE ENTITLED AN ACT

To alter, re-arrange and extend the boundaries of the Town of Kinsey, in Houston County, Alabama.

Be It Enacted by the Legislature of the State of Alabama:

SECTION I

The boundaries of the Town of Kinsey in Houston County, Alabama, are hereby altered, re-arranged and extended so as to embrace within the corporate limits of said municipality the following described property, to-wit:

Beginning at a point on the Houston and Henry County line at the Northwest Corner of the E½ of Section 19, Township 4 North, Range 27 East and running thence in a Southerly direction along the West line of the E½ of Section 19 to the South line of said Section; thence continuing to run South along the West line of the E½ of Section 30 to the Southwest corner of the NE¼ of Section 30; thence running East along the South line of the NE¼ of Section 30 to the

East line of said Section 30; thence running South along the East line of Section 30 to the Southeast corner of Section 30; thence running East along the North line of Section 32 to Phillips Creek; thence running South along the West meander line of Phillips Creek to the South line of the N½ of Section 32; thence running East along the South line of N½ of Section 32 to the East line of said Section 32; thence continuing to run East along the South line of the N½ of Section 33 to the East line of said Section 33; thence continuing to run East along the South line of the NW¼ of Section 34 to the SE Corner of said NW¼ of Section 34; thence running North along the East line of said NW¼ of Section 34 to the North line of said Section 34, thence continuing to run North along the east line of the W½ of Section 27 to the North line of said Section 27; thence continuing to run North along the East line of the W½ of Section 22 to the North line of said Section 22 and the Henry County line; thence running in a Westerly direction along the North line of Sections 22, 21, 20 and 19 to the Northwest Corner of the E½ of Section 19 to the point of beginning. Said corporate limits to contain all of the lands embraced within the above described boundaries, all lying and being in Township 4 North, Range 27 East, Houston County, Alabama.

Said lands being further described by government Sections and Subdivisions as follows:

All of Sections 20, 21, 28 and 29; the East half of Section 19; the NE¼ of Section 30, all of the North half of Section 32 lying East of Phillips Creek; the North half of Section 33; the NW¼ of Section 34 and the West half of Sections 27 and 22, all lying and being in Township 4 North, Range 27 East, Houston County, Alabama.

SECTION II

This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Carter, Cates, Coburn, Cooper, Crawford, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Higginbotham, Hill, Holley, Jackson (F), Johnson, Kelley, Killian, Lee, Lockett, McCluskey, McNees, Malone, Manley, Martin, Mitchem, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Sandusky, Smith (B), Smith (M), Sparks, Venable, Williams and Wyatt.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 594 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Edwards, Falkenburg, Folmar,

Ford, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Jackson (F), Johnstone, Kelley, Killian, Lockett, McCluskey, McNees, Malone, Manley, Martin, Merrill, Mitchem, Owens, Plaster, Reed, Rich, Roberts, Sandusky, Smith (B), Smith (M), Sparks, Trammell, Venable, Warren, White, Williams and Wyatt.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 421. To allow prospective jurors to be excused without the presence of the defendant in all judicial circuits of Alabama having populations of not less than 95,000 nor more than 114,000 according to the most recent federal decennial census.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Campbell, Carothers, Cates, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Hall, Harris, Higginbotham, Hines, Holley, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Lockett, McCluskey, McNees, Malone, Manley, Martin, Mitchem, Moore (W), Morris, Narmore, Owens, Plaster, Reed, Rich, Roberts, Sandusky, Smith (B), Smith (M), Trammell, Venable, Waggoner, Warren, Williams and Wyatt.

—53

And the bill:

H. 426. Relating to the method of giving notice of the requirement of attendance of jury service in all judicial circuits of Alabama, having populations of not less than 95,000 nor more than 114,000 according to the most recent federal decennial census.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Campbell, Carothers, Cates, Cooper, Crawford, Dial, Drake, Edwards, Folmar, Ford, Gafford, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lockett, Lutz, McCluskey, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Plaster, Reed, Rich, Roberts, Sandusky, Smith (B), Smith (M), Sparks, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—56

And the bill:

H. 428. To apply only in the circuit courts of all judicial circuits having populations of not less than 95,000 nor more than 114,000

according to the most recent federal decennial census; to provide that in such courts the parties to any action, except prosecutions for capital felonies, may at any stage of a trial then pending and whether the jury has retired or not, unanimously consent with legal effectiveness to the discharge from further duty of any member of the jury trying the case, and to a continuation of the trial and the rendition of a verdict by the remaining jurors; and to further provide that in such courts and in such actions the parties may, prior to the commencement of a trial unanimously stipulate in open court with legal effectiveness that in the event it becomes necessary during the pendency of the trial, whether the jury has retired or not, for the court to discharge from further duty any member of the jury trying the case because of the juror's sickness or other good cause, the trial shall continue with and a verdict be rendered by the remaining jurors.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Campbell, Carothers, Cates, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lockett, Lutz, McCluskey, McNeas, Malone, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Plaster, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Sparks, Venable, Warren, Weeks, White and Wyatt.

—52

And the bill:

H. 817. To provide for an additional expense allowance for the coroner of Blount County; to make the provisions of this Act retroactive.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lockett, Lutz, McCluskey, McNeas, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Sparks, Starkey, Trammell, Venable, Warren, Weeks, White, Williams and Wyatt.

—60

And the bill:

H. 861. Relating to Coosa County, to amend Section 4 of Act No. 102, H. 222, Regular Session 1969 (Acts of 1969, p. 383), which act levys a sales and use tax on the sale and distribution on malt or brewed beverages, so as to allow the sheriff to confiscate such beverages which are untaxed.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

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Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Folmar, Gafford, Goodwin, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Jackson (F), Johnson, Johnstone, Jolly, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Reed, Rich, Sandusky, Sasser, Smith (B), Smith (M), Starkey, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—58

And the bill:

H. 870. Providing for the method of acknowledging full or partial satisfaction of any recorded mortgage or other lien in the records of the office of the Judge of Probate of Shelby County.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Drake, Edwards, Falkenburg, Folmar, Gafford, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Reed, Rich, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sparks, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—60

And the bill:

H. 871. To authorize the county governing body of Shelby County to appropriate funds for lunches and an allowance of not more than \$1.00 per week per prisoner sentenced to and performing hard labor in Shelby County, as a weekly allowance for such prisoners and to purchase lunches for those prisoners who are at hard labor away from the county jail.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Hall, Harris, Higginbotham, Hines, Holley, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, Malone, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Porter, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, White, Williams and Wyatt.

—61

And the bill:

H. 872. To require the installation and maintenance of an improved system of recording documents affecting the title to property and other documents and recorded in the office of the Judge of Probate of Shelby County; to provide that said system shall constitute official and permanent records in Shelby County; to provide for a special index fee of \$1.00 in addition to all existing recording fees and charges, for each such document hereafter filed for record in Shelby County.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Carothers, Clark, Coburn, Cooper, Crawford, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Hall, Harris, Hines, Holley, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Plaster, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sparks, Starkey, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—60

And the bill:

H. 873. To authorize the county governing body of Shelby County to adopt a resolution and thereby authorize all polling places to remain open between the hours of 8:00 a.m. and 7:00 p.m. at all state and local elections held within such counties.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Campbell, Carothers, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Folmar, Gafford, Goodwin, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Jackson (F), Johnstone, Kelley, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McCulley, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—60

And the bill:

H. 874. To prohibit the Probate Judge or any other official or any employee of Shelby County from selling, lending, giving, or otherwise disposing of a computer printout of the list of registered voters of Shelby County.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Coburn, Cooper, Crawford, Cross, Drake, Edwards,

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Falkenburg, Folmar, Ford, Gafford, Goodwin, Harris, Higginbotham, Hines, Holley, Holmes, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Plaster, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—65

And the bill:

H. 630. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Clark, Cooper, Crawford, Cross, Dial, Edwards, Folmar, Ford, Gafford, Harris, Higginbotham, Hines, Holley, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—60

H. 266

No objection being offered, the bill, H. 266 as amended and temporarily carried over on the tenth legislative day, was taken up.

And the bill:

H. 266. To require all judges of this state to consider certain criteria in exercising their discretion for the purpose of determining whether persons accused of misdemeanors shall be released on their own recognizance in lieu of posting bail bond.

As amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Crawford, Crowe, Falkenburg, Folmar, Ford, Gafford, Greer, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, White, Williams and Wyatt.

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RESOLUTIONS

The following resolutions were introduced:

By Messrs. Ford, Brindley, Rich and Taylor:

H. J. R. 119. RESOLUTION COMMENDING DR. MORT GLOSSER ON HIS RETIREMENT AS SUPERINTENDENT OF GADSDEN CITY SCHOOLS.

WHEREAS, Dr. Mort Mark Glosser is retiring as superintendent of Gadsden City Schools effective July 1, 1975, and,

WHEREAS, Dr. Mort Mark Glosser has been superintendent of Gadsden City Schools since July 1, 1965, and during said time has brought great credit to the Gadsden City School System and the citizens of the City of Gadsden by his excellent leadership, patience under very trying circumstances, and his willingness to listen to all views, and

WHEREAS, Dr. Mort Mark Glosser has been involved in the educational process since 1934 and has rendered his total self to the improving and upgrading of the educational system and has earned great respect and admiration for his leadership, ability, and humility, and,

WHEREAS, Dr. Mort Mark Glosser has rendered great service to his fellow man not only in his capacity as an educator and leader in civic activities, but by his enduring qualities to stand tall in the fire of tribulation and his willingness to give his hand to all who seek help and guidance.

BE IT THEREFORE RESOLVED by the Legislature of Alabama, both Houses concurring, that Dr. Mort Mark Glosser be commended for his excellent service to education, his community and to all whose lives have been brightened by his light of good will to all men.

BE IT FURTHER RESOLVED that a copy of this Resolution be given to Dr. Mort Mark Glosser.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 119, on the Clerk's desk for one legislative day.

Also:

By Mr. Morris:

H. J. R. 120. WHEREAS, The Notice in Writing by Mr. Morris on page 52 of the House Calendar for the Eleventh Day reads as follows "Notice is hereby given in accordance with both House and Senate Rules that on the next legislative day a motion will be made to amend Joint Rule 14, which joint rule requires a synopsis on general bills, so as to require that the synopsis include a statement of the source of funding if funding is involved in the bill"; and,

WHEREAS, this Notice in Writing is of utmost importance to the proper function of this Legislative body;

NOW, THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, THE SENATE CONCURRING, That Joint Rule 14 be amended as stated in said Notice in Writing.

On motion of Mr. Morris, the rules were suspended and the resolution, H. J. R. 120, was adopted.

UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

H. 55. To provide that boards of control of local school systems, institutions and agencies make available payroll deduction of dues for the local affiliate of any statewide educators' organization if their employees request this service.

As amended, was again taken up.

Mr. Coburn offered the following substitute to the bill, H. 55 as amended:

A BILL
TO BE ENTITLED
AN ACT

To provide that boards of control of local school systems, institutions and agencies make available payroll deduction of dues for the local affiliate of any general statewide educators' organization if their employees request this service. Deduction of dues shall not be required for any organization which serves only persons employed in a particular subject matter area or that is not affiliated with a statewide organization.

Section 1. All boards of control of local school systems, institutions and agencies within the state shall be required to provide payroll deduction of dues for the local affiliate of any general statewide educators' organization if requested to do so by their employees. Deduction of dues shall not be required for any organization which serves only persons employed in a particular subject matter area or that is not affiliated with a statewide organization. Each board shall adopt policies or regulations which will provide for deductions from salaries of its employees or groups of employees whenever a request is presented to the board by said employees or groups thereof. Such deductions shall be made from salaries earned in at least six different pay periods or if requested by employees in the maximum number of pay periods provided for the employee. When amounts have been correctly deducted and remitted by the board, said board shall bear no further responsibility or liability for subsequent transactions.

Section 2. No deductions shall be made from any individual educators' check unless such shall have been authorized by said educator.

Section 3. The provisions of this Act are severable. If any part of this Act is declared to be invalid or unconstitutional such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws in conflict herewith are hereby repealed.

Section 5. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

H. 55 POSTPONED

On motion of Mr. Waggoner, the bill, H. 55 as amended and with pending substitute, was postponed to the twelfth legislative day.

Yeas 59; Nays 8.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Biddle, Brindley, Burgess, Campbell, Carothers, Cates, Clark, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Hall, Higginbotham, Hill, Hilliard, Hines, Holmes, Howard, Jackson (F), Johnson, Jolly, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, Martin, Moore (O), Moore (W), Naramore, Pegues, Plaster, Riddick, Roberts, Sasser, Shelton, Smith, (B), Smith (C), Smith (M), Sparks, Taylor, Tucker, Turnham, Venable, Waggoner, Weeks, White and Williams.

—59

Nays:

Messrs.: Coburn, Jackson (R), McNair, Rich, Robertson, Starkey, Trammell and Wyatt.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 26. COMMENDING GERALD R. FORD FOR PROMPT ACTION IN THE MAYAGUEZ INCIDENT.

Also:

H. J. R. 48. THIS JOINT RESOLUTION PROPOSES TO DESIGNATE THE SECTION OF U. S. 431 BETWEEN GADSDEN AND GUNTERVILLE AS "THE LAKE GUNTERVILLE PARKWAY."

Also:

H. J. R. 79. CONCERNING THE RIGHT TO BEAR ARMS.

Also:

H. J. R. 60. NAMING THE LIBRARY AT THE NORTHSIDE HIGH SCHOOL FOR MISS PAULINE SCRIVNER.

McDOWELL LEE,
Secretary.

BILLS ON THIRD READING RESUMED

And the bill:

H. 67. (With Amendment): To amend Title 52, Section 322, to provide for certification of nurses to serve in the position of professional school nurse and to provide that prior to the issuance of such certificate the applicant shall have met all requirements prescribed by the State Board of Nursing for license as a Registered Nurse.

Was taken up.

H. 67 POSTPONED

On motion of Mr. Kinsey, the bill, H. 67 with pending amendment, was postponed to the fourteenth legislative day.

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And the bill:

H. 228. To amend the Code of Alabama 1940, Title 36, Section 5(1), which establishes a state maximum speed limit for motor vehicles on the highways of Alabama, to provide for a maximum speed of 55 miles per hour.

Was taken up.

H. 228 POSTPONED

On motion of Mr. Smith (M), the bill, H. 228, was postponed to the twelfth legislative day.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Harrison to suspend the rules in order to bring up out of order the bill, H. 655, was lost.

BILLS ON THIRD READING RESUMED

And the bill:

H. 18. (With Amendment): To amend Section 29 of Act No. 516, H. B. 769, Regular Session 1949, (Acts 1949, p. 740, now appearing in the Code of Alabama, Recompiled 1958, Title 36, Section 58(29)), which Act regulates further the use of highways by pedestrians and motor vehicles, including motorcycles and motor driven cycles, so as to regulate the clothing to be worn by all operators of motorcycles and motor driven cycles.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Highway Safety, said committee amendment being as follows:

In the last sentence of Section 1 insert a period after the word foot and delete the remainder of the sentence. The words to be deleted are as follows: up to and above the ankle."

And the amendment was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hines, Holmes, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McNair, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (M), Starkey, Taylor, Trammell, Tucker, Warren, Whatley, White, Williams and Wyatt.

—69

And the bill, H. 18 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford,

Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Hill, Hilliard, Hines, Holmes, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Teague, Trammell, Tucker, Venable, Warren, White, Williams and Wyatt.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Andrews added as co-sponsor to the bill, H. 18.

RECESS

On motion of Mr. Robertson, the House recessed until 1:00 o'clock p.m.

HOUSE RECONVENED

The hour of 1:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

BILLS ON THIRD READING RESUMED

And the bill:

H. 19. To amend further Title 36, Section 40, Code of Alabama, as last amended, so as to require that all motorcycles and motor driven cycles shall exhibit a lighted head lamp at all times when operated on a public road.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 8.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Folmar, Ford, Gafford, Goodwin, Hall, Hill, Holmes, Hopping, Howard, Jackson (F), Jolly, Kelley, Killian, Kinsey, Leonard, Lutz, McNees, Malone, Manley, Mitchem, Moore (W), Morris, Owens, Pegues, Rich, Smith (B), Smith (C), Starkey, Venable, Waggoner, Weeks, White and Williams.

—48

Nays:

Messrs.: Higginbotham, Lee, Lewis, McCluskey, Martin, Roberts, Whatley and Wyatt.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 59. To amend Section 333, Title 52, Code of Alabama, which provides for the charging of an application fee for teachers' certificates and earmarks the use of said fees; and further provides for the repeal

of Section 350 of the same title which provides for the disposition of fees paid by the applicants for teachers' certificates.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 4.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Hall, Higginbotham, Hill, Holley, Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Riddick, Roberts, Robertson, Sasser, Smith (B), Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—68

Nays:

Messrs. Cooper, Johnstone, Smith (C) and Sonnier.

—4

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 26. COMMENDING GERALD R. FORD FOR PROMPT ACTION IN THE MAYAGUEZ INCIDENT.

Also:

H. J. R. 48. DESIGNATING "THE LAKE GUNTERSVILLE STATE PARKWAY".

Also:

H. J. R. 60. NAMING THE LIBRARY AT THE NORTHSIDE HIGH SCHOOL FOR MISS PAULINE SCRIVNER.

Also:

H. J. R. 79. CONCERNING THE RIGHT TO BEAR ARMS.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. J. R. 121. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, the Senate concurring, that the proposed rule as set forth below be adopted as Rule 15 of the "Joint Rules of the Two Houses of the Legislature of Alabama:"

Rule 15. All members of the House and Senate, the press corps, employees of the two houses and any guests or visitors in the balconies of each house are prohibited from carrying a firearm or any other thing that might be construed to be a lethal weapon while in the House or Senate Chambers or any place on the second or third floor of the Capitol. This rule will not apply to employees of the two houses who are security officers.

On motion of Mr. Manley, the rules were suspended and the resolution, H. J. R. 121, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 61. To revise existing bail practices in the courts of Alabama to assure that all persons, regardless of their financial or social status, shall not needlessly be detained pending their appearance to answer charges, to testify, or pending appeal, when detention serves neither the ends of justice nor the public interest, to be known as "The Alabama Bail Reform Act of 1975," prescribing means in addition to the giving of bail bonds by which a person charged with an offense may give security for appearance in order to secure his release and amending certain sections of the Code of Alabama 1940 to conform with such revision.

Was taken up.

Mr. Hill offered the following amendment No. 1 to the bill, H. 61:

Insert after Section 6, on p. 10, between lines 15 and 16, the following New Section 7, and renumber remaining sections accordingly:

Section 7. The judge of every court having jurisdiction of misdemeanors shall supervise the release of defendants in misdemeanor cases in their respective courts, by arresting officers or other non-judicial officers; and such judge may prescribe reasonable rules and regulations, which will assure the presence of the defendant in court, to govern the release of a defendant by an arresting officer or other non-judicial officer.

And the amendment was adopted.

Yeas 77; Nays 1.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Dial, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McCluskey, McCulley, McNeese, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues,

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Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

Nay: Mr. Boles.

—1

Mr. Callahan offered the following amendment to the bill, H. 61 as amended:

Amend H. B. 61 in Section 6, page 8, line 8, by deleting the semicolon and adding after the words, in the undertaking, the following:

“provided however, that judges of court having jurisdiction of felonies shall supervise the approval of bail in felony cases by a sheriff or other non-judicial officer and may prescribe reasonable rules and regulations, which will assure the presence of the defendant in court, including requirements of at least two sufficient sureties, that said surety or sureties be a resident of this state or a freeholder therein, or that said surety or sureties be worth, exclusive of property exempt from execution, the amount expressed in the undertaking.”

Also amend H. B. 61 on line 8 by deleting the word but and begin a new sentence with the word The.

And the amendment was adopted.

Yeas 78; Nays 1.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

Nay: Mr. Andrews.

—1

Mr. Hill offered the following amendment No. 2 to the bill, H. 61 as amended:

Amend H. B. 61 on line 20 of page 5 by inserting after the word “apply” and before the word “if”, the following: when a magistrate binds an accused over to the grand jury or.

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly,

Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Owens, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—81

Mr. Hill offered the following amendment No. 3 to the bill, H. 61 as amended:

Amend Section 6 of H. B. 61, on page 9, at line 10 by deleting the words and figures, 20 years, and in lieu thereof, place the words and figures, 15 years.

Further amend Section 6, on page 9, at line 28 and on line 29 by deleting the words, twenty years but not exceeding thirty years, and in lieu thereof, place the words, fifteen years but not exceeding twenty-five years.

Also amend Section 6, on page 10, at line 12 by deleting the words, thirty years, and in lieu thereof place the words, twenty-five years.

And the amendment was adopted.

Yeas 80; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—80

And the bill, H. 61 as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 6.

Yeas:

Mr. Speaker, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Manley, Mitchem, Moore (O), Morris, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

Nays:

Messrs.: Andrews, Armstrong, Callahan, Cross, Martin and Naramore.

—6

And the bill:

H. 139. Relating to liability for personal injury, death or property damage proximately caused by the negligence or wanton misconduct of servants, agents or employees of cities and towns where such cities and towns are insured against tort liability.

Was taken up.

Mr. Lutz offered the following substitute to the bill:

A BILL
TO BE ENTITLED
AN ACT

Relating to liability for personal injury, death or property damage proximately caused by the negligence or wanton misconduct of servants, agents or employees of cities and towns where such cities and towns are insured against tort liability.

Be It Enacted by the Legislature of Alabama:

Section 1. A city or town shall be liable for personal injuries, death or damage to property proximately caused by the negligence or wanton misconduct of its servants, agents or employees acting within the line and scope of their employment in any case where such city or town is insured against liability for such personal injuries, death or damage to property under a policy of liability insurance.

Section 2. The provision of this act shall apply to all activities of cities and towns regardless of whether such activities are governmental or corporate in nature, and, subject to the limitations herein imposed, the defense of sovereign immunity of cities and towns is hereby abolished in any case in which a city or town is insured against the liability sought to be imposed under a policy of insurance.

Section 3. In any action in which the plaintiff would not be entitled to recover except for the provisions of this act, the defendant city or town may by motion raise the defense that it is not insured against the liability sought to be imposed or, if it is insured, that it is not insured to the full amount of the plaintiff's claim. The city or town shall have the burden of proving the allegations of such motion, and the same shall be heard without the intervention of a jury. Should the court, upon hearing said motion, determine that the defendant city or town is insured against the liability sought to be imposed it shall proceed to determine the dollar limits of the defendant city or town's liability insurance coverage in the particular case, and any such coverage shall be reduced to the amount thereof.

Section 4. Except as specifically provided in Section 3 hereof, nothing herein shall be construed to authorize either party in an action against a city or town to plead or prove the existence, applicability or dollar limits of any policy of insurance.

Section 5. This Act shall become effective immediately upon its passage and the approval of the Governor, or upon its otherwise becoming a law.

Section 6. The provisions of this Act are cumulative, and the rights and remedies provided are in addition to any other rights and remedies provided by law.

Section 7. This Act does not affect rights, duties, causes of action or liabilities arising before the effective date of the Act.

And the substitute was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McNair, McNees, Malone, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—81

Mr. Lutz offered the following amendment to the bill, H. 139 as amended:

Amend H. B. 139 by striking the sentence beginning on line 36 of Section 3 and substituting in lieu thereof the following:

Should the court, upon hearing said motion, determine that the defendant city or town is insured against the liability sought to be imposed, it shall proceed to determine the dollar limits of the defendant city or town's liability coverage in the particular case, and any recovery against the city or town in the case shall be limited to the amount thereof.

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Martin, Mitchem, Moore (O), Morris, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Trammell, Tucker, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—77

MOTION TO POSTPONE TABLED

On motion of Mr. Lutz, the motion offered by Mr. White to postpone the bill, H. 139 as amended, to the fourteenth legislative day, was tabled.

Yeas 57; Nays 27.

Yeas:

Mr. Speaker, Albright, Armstrong, Biddle, Burgess, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Edwards, Falkenburg, Folmar, Gaf-

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ford, Goodwin, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes, Howard, Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, McNeese, Malone, Morris, Owens, Plaster, Reed, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Starkey, Tucker, Venable, Waggoner, Whatley and Williams.

—57

Nays:

Messrs.: Andrews, Barron, Campbell, Carter, Cross, Crowe, Ford, Holley, Hopping, Kelley, Lee, LeFlore, McCluskey, Manley, Martin, Mitchem, Moore (O), Pegues, Rich, Smith (M), Taylor, Teague, Trammell, Warren, Weeks, White and Wyatt.

—27

And the bill, H. 139 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 17.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Burgess, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McCulley, McMillan, McNair, Malone, Mitchem, Moore (O), Morris, Owens, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Whatley, Williams and Wyatt.

—72

Nays:

Messrs.: Andrews, Barron, Campbell, Carter, Cross, Crowe, Ford, Lee, McCluskey, Manley, Martin, Pegues, Teague, Turnham, Warren, Weeks and White.

—17

And the bill:

H. 142. (With Amendment): To authorize and provide for minute entries in misdemeanor cases appealed from a city recorder's court, county court, mayor's court, police court or any municipal court, to the circuit courts or any other courts of record in Alabama.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 142, Section 1 of said bill by deleting the words "justice of the peace courts," where said words appear therein.

And the amendment was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross,

Crowe, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—74

And the bill, H. 142 as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—83

And the bill:

H. 150. (With Amendment): To amend Code of Alabama of 1940, Title 13, Section 262 relative to disposition of court reporter's notes and exhibits in his custody.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 150, Section 1, "Section 262" by deleting the words "ten years" where said words appear on lines 5, 8, 9 and 10 of said section and inserting in lieu therefor the words "twenty years".

And the amendment was adopted.

Yeas 84; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—84

And the bill, H. 150 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—88

Nay: Mr. McMillan.

—1

And the bill:

H. 225. To amend Section 2-316 of Act No. 549, S. 2, Regular Session 1965 (Acts 1965, p. 811) (now appearing in Title 7 A, in the supplement to Code of Alabama, recompiled 1958), which is the Alabama Uniform Commercial Code, and which Section 2-316 concerns the exclusion or modification of the implied warranties of merchantability or fitness for a particular purpose to circumscribe the limitation or exclusion of the implied warranty of merchantability or fitness for a particular purpose in the sale or lease of new consumer goods.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—84

And the bill:

H. 14. To amend further Code of Alabama 1940, Title 42, Section 12, as amended, so as to allow a delinquent parolee to receive credit toward fulfillment of the execution of his sentence to imprisonment for the time spent in prison after the date of his arrest as a delinquent parolee.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 83; Nays 2.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Mitchem, Moore (O), Morris, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Weeks, Whatley, White, Williams, and Wyatt.

—83

Nays: Messrs. Cross and Martin.

—2

And the bill:

H. 176. To name the Speech and Hearing Center at the University of Montevallo the "George C. Wallace Speech and Hearing Center."

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Morris, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—83

And the bill:

H. 137. Relating to the licensing of embalmers, extending the powers and duties of the board of embalming, further regulating fees and prescribing additional standards, duties and penalties for licensees, for such purpose as amending Code of Alabama 1940, Title 46, Sections 124, 126, 127 and 128.

Was taken up.

H. 137 INDEFINITELY POSTPONED

On motion of Mr. Lutz, the bill, H. 137, was indefinitely postponed.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Clark,

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Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 39. To change the name of the "Director" of the Department of Labor to the "Commissioner" of the Department of Labor.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—86

And the bill:

H. 42. To allow for the lawful dispensing by any food-service establishment of sugar in containers other than individual, single service packages.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 10.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Mitchem, Moore (W), Morris, Naramore, Owens, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Trammell, Waggoner, Warren, Weeks, Whatley and Wyatt.

—68

Nays:

Messrs.: Barron, Cooper, Crawford, McNair, Martin, Pegues, Tucker, Turnham, Venable and Williams.

—10

And the bill:

H. 71. Further amending Code of Alabama 1940, Title 22, Section 21 and 22 relating to Vital Statistics redefining registration districts and provide for local and deputy registrars.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—83

Nay: Mr. McNair.

—1

And the bill:

H. 234. To further amend Sections 2, 3, 4, 5, 6, 7 and 8 of Act No. 867, S. 210, Regular Session 1965, [Acts 1965, p. 1615; now appearing in Code of Alabama, Recompiled, 1958, as Title 46, Sections 189 (33 thru 47)], as amended, and entitled "An Act To better provide for the public health by providing for the regulation and approval of schools of nursing, for the examination, regulation and licensing of professional and practical nurses; to create and define the powers of the Board of Nursing and the Advisory Council for practical nursing; to provide for the appointment and prescribe the terms of office, duties and compensation of members of such Board and of such Council; to provide for disciplining licensees and for appeals from decisions of the said Board; to prescribe penalties for violation of the provisions of this Act; and to make further provisions for the purpose of carrying out this Act," and to repeal conflicting statutes.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—90

And the bill:

H. 84. To require the directors of all laboratories in this state to report all positive tests for tuberculosis to the State Board of Health, and prescribing penalties for violations.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—89

And the bill:

H. 314. To provide for the control and disposal of solid wastes as generated by the general public, businesses, institutions, and industry, and to require counties and municipalities to provide for the collection and disposal of solid wastes and authorize them to charge a fee therefor, and to contract for such services to be performed by others and to permit the formation of districts for areas beyond corporate limits or cooperative joint or mutual agreements between county governments and municipal governments for the operation and implementation of solid wastes management in a manner meeting public health standards, and granting authority for the establishment of rules and regulations to enforce the provisions of this Act, and to provide a penalty for violating this Act and rules and regulations pursuant thereto in the interest of the public health, comfort and safety.

Was taken up.

H. 314 TEMPORARILY CARRIED OVER

On motion of Mr. White, there being no objection, the bill, H. 314, was temporarily carried over.

And the bill:

H. 175. To make unlawful the selling of certain game fish caught or taken from any of the fresh waters of this or any other state, prescribing the penalty therefor.

Was taken up.

Mr. Greer offered the following amendment No. 1 to the bill:

Amend H. 175 Section 3 by deleting on line 34 the words Two Hundred Dollars (\$200) and adding in lieu thereof the words Five Hundred Dollars (\$500) and by deleting on lines 34 and 35 the words

Five Hundred Dollars (\$500) and adding in lieu thereof the words
Two Thousand Dollars (\$2000)

And the amendment was adopted.

Yeas 78; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Folmar, Ford, Gafford, Goodwin, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McMillan, McNair, McNees, Malone, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Teague, Trammell, Turnham, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—78

Nay: Mr. McCluskey.

—1

Mr. Greer offered the following amendment No. 2 to the bill, H. 175 as amended:

Amend H. 175 by adding the words to buy, after the word "person" on line 20 of Page 1.

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kinsey, Leonard, Lewis, Lutz, McCulley, McMillan, McNair, McNees, Malone, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—81

And the bill, H. 175 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster,

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Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—80

Nays: Messrs. Crawford and McCluskey.

—2

RECESS

On motion of Mr. Burgess, the House recessed for ten minutes.

Yeas 58; Nays 34.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carter, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Folmar, Ford, Goodwin, Gregg, Harris, Harrison, Higginbotham, Hines, Holley, Holmes, Hopping, Jolly, Kinsey, Leonard, Lewis, Lockett, McCluskey, McNair, McNees, Manley, Martin, Moore (W), Naramore, Owens, Pegues, Reed, Rich, Roberts, Sandusky, Shelton, Smith (C), Smith (M), Taylor, Teague, Waggoner, Warren, Weeks, Whatley and Williams.

—58

Nays:

Messrs.: Carothers, Cates, Clark, Greer, Hill, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Killian, Lee, LeFlore, Lutz, McCulley, McMillan, Malone, Mitchem, Moore (O), Morris, Plaster, Riddick, Robertson, Sasser, Smith (B), Sonnier, Sparks, Trammell, Tucker, Turnham, Venable, White and Wyatt.

—34

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

BILLS ON THIRD READING RESUMED

And the bill:

H. 215. To designate the wild turkey as the official state game bird for the State of Alabama.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Martin, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—90

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Higginbotham, Folmar, Baker, Wyatt, Lewis, McCulley, Edwards, Dial, McMillan, Teague, McCluskey, Plaster, Cates and Holmes as co-sponsors to the bill, H. 215.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 33. Thanking the people of Alabama for passage of the Alabama State Docks Bond Issue.

Also:

S. J. R. 37. Naming Act No. 2 of the Second Special Session of 1975 The Bill King Annual Sessions Act.

Also:

S. J. R. 39. Sending best wishes to Miss Ivy Sue Koster on her birthday.

Also:

S. J. R. 40. Extending the time of reporting of the Joint Interim Committee to study the State Parks.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Mr. Tucker:

H. R. 122. Commending The C. W. Hayes High School ("Pace-setter") girl track team for winning the state championship two consecutive years.

WHEREAS, Athletics is a beneficial part of the educational process in the State of Alabama; and

WHEREAS, youthful citizens of the state are encouraged to participate in high school athletics; and

WHEREAS, the C. W. Hayes female track team was coached by Mrs. J. L. Collins; and

WHEREAS, the team worked diligently, long and hard to achieve its outstanding record; and

WHEREAS, the Pacesetter female track team won the state girls division track title for two consecutive academic years; and

WHEREAS, winning the state championship for the 1973-74 and the 1974-75 academic years, respectively, is indicative of the spirit of the Pacesetter students, faculty, principal, and parents of the community; and the Pacesetter winning spirit has been cultivated in the youth (both male and female) in the community; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we congratulate and commend the C. W. Hayes High girl track team for winning their division state championship for two consecutive years.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the principal, Mr. J. B. Norman, Mrs. J. L. Collins and each member of the C. W. Hayes girl track team.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 122, on the Clerk's desk for one legislative day.

BILLS ON THIRD READING RESUMED

And the bill:

H. 227. To make an appropriation to the Division of Game and Fish, Department of Conservation and Natural Resources from the Game and Fish Fund for the purchase of radio communications equipment.

Was taken up.

H. 227 POSTPONED

On motion of Mr. Smith (M), the bill, H. 227, was postponed to the twelfth legislative day.

And the bill:

H. 119. (With Amendments): To amend Code of Alabama 1940, Title 8, Sections 92 and 93 relative to maximum penalties for hunting on the property of another without permission.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Conservation, said committee amendment being as follows:

Amend H. B. 119 on Page 1, line 32 and Page 2, line 13 by striking the word one and insert in lieu thereof the words Twenty-five.

And the amendment was adopted.

Yeas 75; Nays 2.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Martin, Mitchem, Owens, Pegues, Plaster,

Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—75

Nays: Messrs. Crowe and Naramore.

—2

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Conservation, said committee amendment being as follows:

Amend H. B. 119 by striking Section 2 in its entirety and renumbering Section 3 to Section 2.

And the amendment was adopted.

Yeas 64; Nays 5.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Cates, Clark, Coburn, Crawford, Dial, Drake, Edwards, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lutz, McCluskey, McMillan, McNair, McNees, Martin, Mitchem, Moore (O), Moore (W), Owens, Pegues, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (M), Starkey, Trammell, Tucker, Venable, Waggoner, Warren, White and Williams.

—64

Nays: Messrs. Cooper, Hill, Holmes, Naramore and Wyatt.

—5

Mr. Campbell offered the following amendment to the bill, H. 119 as amended:

Amend H. B. 119 as follows: on line 33 underline the word Hundred.

And the amendment was adopted.

Yeas 70; Nays 3.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Martin, Mitchem, Moore (O), Moore (W), Owens, Pegues, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—70

Nays: Messrs. Holmes, McNair and Naramore.

—3

Mr. Burgess offered the following amendment to the bill, H. 119 as amended:

Amend H. B. By Deleting the words 500.00 Dollars wherever it appears and insert the words 200.00 Hundred Dollars in lieu thereof.

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AMENDMENT TABLED

On motion of Mr. Campbell, the amendment offered by Mr. Burgess to the bill, H. 119 as amended, was tabled.

Yeas 45; Nays 25.

Yeas:

Mr. Speaker, Andrews, Armstrong, Barron, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Cross, Edwards, Greer, Hall, Higginbotham, Hill, Hopping, Howard, Jackson (R), Johnson, Jolly, Kelley, Killian, Lee, Lewis, Lockett, McCluskey, McMillan, Manley, Martin, Moore (W), Pegues, Plaster, Riddick, Roberts, Robertson, Sandusky, Sasser, Teague, Trammell, Waggoner, Warren and Williams.

—45

Nays:

Messrs.: Burgess, Cooper, Folmar, Ford, Gafford, Gregg, Harris, Hines, Holley, Holmes, Jackson (F), Johnstone, Leonard, McNair, McNees, Malone, Moore (O), Naramore, Owens, Smith (B), Starkey, Taylor, Venable, Weeks and Wyatt.

—25

And the bill, H. 119 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 10.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Cross, Drake, Edwards, Ford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McMillan, Manley, Martin, Moore (O), Moore (W), Owens, Pegues, Plaster, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—71

Nays:

Messrs.: Burgess, Cooper, Folmar, Holmes, Leonard, McNair, McNees, Malone, Naramore and Wyatt.

—10

And the bill:

H. 113. (With Amendment): To provide for and regulate absentee voting in primary, general, special and municipal elections; prescribing penalties for violations of the Act; repealing conflicting laws and specifically repealing Act No. 424, H. 351, Regular Session 1949 (Acts 1949, page 601) and all acts amendatory and supplemental thereto.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Constitution and Elections, said committee amendment being as follows:

Amend H. B. 113 by deleting the on line 17 of page 6 between the words on and day by inserting in lieu thereof that.

Also amend H. B. 113 by deleting is on line 33 of page 7 by inserting in lieu thereof his.

Also Amend H. B. 113 by deleting twenty on line 34 of page 6 by inserting in lieu thereof twenty.

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Taylor, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—72

And the bill, H. 113 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—89

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Lewis, Callahan, Cooper, Naramore, Albright, Cates, Kinsey, Folmar, McMillan, Martin, Roberts, White, Burgess, Mitchem, Cross, Sasser, Warren, Morris, Gregg, Shelton, Smith (M), McNees, Reed and Hopping as co-sponsors to the bill, H. 113.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Barron to suspend the rules in order to bring up out of order the bill, H. 713, was lost.

RESOLUTION

The following resolution was introduced:

By Mr. Callahan:

H. J. R. 123. SELECTING REPRESENTATIVE NAT SONNIER OF MOBILE TO BE THE LEGISLATIVE MEMBER REPRESENTING ALABAMA TO THE GULF STATES MARINE FISHERIES COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the legislature of Alabama does select and elect Rep. Nat Sonnier of Mobile to be its representative to the Gulf States Marine Fisheries Commission in accordance with the provisions of Section 2 of Act No. 51, H. 89, 1947 Regular Session (General Acts of Alabama, p. 17).

The resolution, H. J. R. 123, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

H. 224. (With Amendment): To amend Act No. 430, H. 222, Regular Session 1953 (Acts 1953, p. 535), which provides that the right of a person to work shall not be denied or abridged on account of membership or non-membership in any labor union or organization, so as to allow the making of agency shop contracts requiring non-union employees to pay an amount equal to union dues to the union representing like employees.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Business and Labor, said committee amendment being as follows:

Amend H. B. 224 on Page 1, Line 23 by striking the word like and inserting the word such.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Mr. Pegues that the bill, H. 224 with pending amendment, be indefinitely postponed, was lost.

Yeas 44; Nays 48.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Dial, Edwards, Gafford, Gregg, Harris, Higginbotham, Hines, Holley, Kelley, Killian, Lutz, McCluskey, McMillan, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Turnham, Venable, Waggoner, Weeks, Whatley and White.

—44

Nays:

Messrs.: Albright, Andrews, Biddle, Boles, Brindley, Burgess, Coburn, Cooper, Crowe, Drake, Falkenburg, Ford, Goodwin, Greer, Harrison, Hill, Hilliard, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kinsey, Lee, LeFlore, Leonard, Lewis, McCulley, McNair,

McNees, Malone, Moore (O), Naramore, Plaster, Reed, Rich, Robertson, Shelton, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Williams and Wyatt.

—48

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Drake and Harrison added as co-sponsors to the bill, H. 224.

MOTION TO ADJOURN

Mr. White offered the motion that the House adjourn until 11:00 o'clock a.m., Tuesday, July 8, 1975.

SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. Manley that the House adjourn until 2:00 o'clock p.m., Tuesday, July 8, 1975, was lost.

Yeas 36; Nays 58.

Yeas:

Messrs.: Armstrong, Barron, Biddle, Callahan, Campbell, Carothers, Cates, Cross, Dial, Edwards, Falkenburg, Gregg, Holley, Kelley, Kinsey, Leonard, Lockett, McCluskey, McMillan, McNees, Manley, Martin, Mitchem, Moore (W), Morris, Pegues, Riddick, Roberts, Sandusky, Smith (M), Starkey, Turnham, Waggoner, Warren, Weeks and White.

—36

Nays:

Mr. Speaker, Albright, Andrews, Baker, Boles, Brindley, Burgess, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Folmar, Ford, Goodwin, Greer, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Lee, LeFlore, Lewis, Lutz, McCulley, McNair, Malone, Moore (O), Naramore, Owens, Plaster, Reed, Rich, Robertson, Sasser, Shelton, Smith (B), Sparks, Taylor, Teague, Trammell, Tucker, Venable, Whatley, Williams and Wyatt.

—58

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 101. Relative to the 4th of July recess.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 101. RELATING TO THE ADJOURNMENT OF THE TWO HOUSES.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 224 RESUMED

The question was then on the adoption of the amendment reported by the Standing Committee on Business and Labor to the bill, H. 224, and the amendment was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Boles, Burgess, Cates, Coburn, Cooper, Cross, Crowe, Falkenburg, Ford, Gafford, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCulley, McMillan, McNair, McNees, Malone, Mitchem, Moore (O), Naramore, Porter, Reed, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Teague, Trammell, Tucker, Venable, Williams and Wyatt.

—58

MOTION TO ADJOURN

Mr. Coburn offered the motion that the House adjourn until 2:00 o'clock p. m., Tuesday, July 8, 1975.

H. 224 RESUMED

MOTION TO POSTPONE

Mr. Gregg offered the motion that the bill, H. 224 as amended, be postponed to the thirty-sixth legislative day.

SUBSTITUTE MOTION TABLED

On motion of Mr. Smith (M), the substitute motion offered by Mr. Johnstone that the bill, H. 224 as amended, be postponed to the twelfth legislative day, was tabled.

Yeas 54; Nays 33.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Crawford, Cross, Dial, Edwards, Folmar, Gafford, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, Leonard, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Mitchem, Moore (W),

Morris, Owens, Pegues, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Turnham, Venable, Waggoner, Warren, Weeks, Whatley and White.

—54

Nays:

Messrs.: Albright, Andrews, Burgess, Coburn, Cooper, Crowe, Drake, Ford, Goodwin, Greer, Harrison, Hill, Hilliard, Holmes, Hopping, Jackson (R), Johnstone, Lee, LeFlore, Lewis, McNair, Malone, Moore (O), Naramore, Plaster, Reed, Robertson, Shelton, Teague, Trammell, Tucker, Williams and Wyatt.

—33

MOTION TO POSTPONE

The question was then on the motion offered by Mr. Gregg that the bill, H. 224 as amended, be postponed to the thirty-sixth legislative day.

SUBSTITUTE MOTION TABLED

On motion of Mr. Gregg, the substitute motion offered by Mr. Reed to postpone the bill, H. 224 as amended, to the thirteenth legislative day was tabled.

Yeas 54; Nays 34.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Gregg, Hall, Harris, Higginbotham, Holley, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, Lutz, McCluskey, McMillan, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Turnham, Venable, Waggoner, Warren, Weeks, Whatley and White.

—54

Nays:

Messrs.: Andrews, Burgess, Coburn, Cooper, Crowe, Ford, Goodwin, Greer, Harrison, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (R), Johnstone, LeFlore, Leonard, Lewis, McCulley, McNair, Malone, Moore (O), Naramore, Plaster, Reed, Robertson, Shelton, Teague, Trammell, Tucker, Williams and Wyatt.

—34

MOTION TO TABLE LOST

The motion offered by Mr. Johnstone to table the motion offered by Mr. Gregg to postpone the bill, H. 224 as amended, to the thirty-sixth legislative day, was lost.

Yeas 36; Nays 52.

Yeas:

Messrs.: Andrews, Boles, Burgess, Coburn, Cooper, Crowe, Drake, Ford, Goodwin, Greer, Harrison, Hill, Hilliard, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kinsey, Lee, LeFlore, Lewis, McCulley, McNair, Malone, Moore (O), Naramore, Robertson, Shelton, Teague, Trammell, Tucker, Williams and Wyatt.

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Nays:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Crawford, Cross, Dial, Edwards, Gafford, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Jackson (F), Kelley, Killian, Leonard, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Turnham, Venable, Waggoner, Warren, Weeks, Whatley and White.

—52

MOTION TO ADJOURN

Mr. Holmes offered the motion that the House adjourn until 11:00 o'clock a. m., Tuesday, July 8, 1975.

SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. Tucker that the House adjourn until 2:05 o'clock p. m., Tuesday, July 8, 1975, was lost.

Yeas 29; Nays 59.

Yeas:

Messrs.: Andrews, Burgess, Coburn, Cooper, Drake, Ford, Harrison, Hilliard, Holmes, Hopping, Howard, Jackson (R), Johnstone, LeFlore, Leonard, Lewis, Lockett, McCulley, McNair, Malone, Moore (O), Naramore, Reed, Robertson, Shelton, Teague, Trammell, Tucker and Wyatt.

—29

Nays:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Crawford, Cross, Edwards, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—59

H. 224 RESUMED

The question was again on the motion offered by Mr. Gregg to postpone the bill, H. 224 as amended, to the thirty-sixth legislative day.

MOTION TO ADJOURN

Mr. Malone offered the motion that the House adjourn until 1:30 o'clock p. m., Tuesday, July 8, 1975.

MOTION TO ADJOURN LOST

The motion offered by Mr. Hill that the House adjourn until 1:45 o'clock p. m., Tuesday, July 8, 1975, was lost.

Yeas 35; Nays 52.

Yeas:

Messrs.: Albright, Andrews, Boles, Carothers, Coburn, Cooper, Crowe, Drake, Falkenburg, Ford, Goodwin, Greer, Harrison, Hill, Hilliard, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, LeFlore,

Leonard, Lewis, McNair, Malone, Moore (O), Naramore, Reed, Robertson, Shelton, Teague, Trammell, Tucker and Wyatt.

—35

Nays:

Mr. Speaker, Armstrong, Baker, Barron, Brindley, Campbell, Cates, Clark, Crawford, Cross, Dial, Edwards, Folmar, Gafford, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Jackson (F), Jolly, Kelley, Killian, Kinsey, Lee, Lutz, McCluskey, McMillan, McNeese, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Riddick, Roberts, Sasser, Smith (C), Smith (M), Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—52

H. 224 RESUMED

The question was again on the motion offered by Mr. Gregg to postpone the bill, H. 224 as amended, to the thirty-sixth legislative day.

MOTION TO ADJOURN LOST

The motion offered by Mr. Reed that the House adjourn until 3:00 o'clock p. m., Tuesday, July 8, 1975, was lost.

MOTION TO ADJOURN LOST

The motion offered by Mr. Tucker that the House adjourn until 2:30 o'clock p. m., Tuesday, July 8, 1975, was lost.

Yeas 39; Nays 51.

Yeas:

Messrs.: Albright, Andrews, Boles, Burgess, Coburn, Cooper, Crowe, Drake, Ford, Goodwin, Greer, Hall, Harrison, Hill, Hilliard, Holmes, Hopping, Howard, Jackson (R), Johnstone, Lee, LeFlore, Leonard, Lewis, Lockett, McCulley, McNair, McNeese, Malone, Moore (O), Naramore, Reed, Robertson, Shelton, Smith (J), Teague, Trammell, Tucker and Wyatt.

—39

Nays:

Mr. Speaker, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Crawford, Cross, Dial, Edwards, Folmar, Gafford, Gregg, Harris, Higginbotham, Hines, Holley, Jackson (F), Jolly, Killian, Kinsey, McCluskey, McMillan, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—51

MOTION TO ADJOURN LOST

The motion offered by Mr. Hilliard that the House adjourn until 4:00 o'clock p. m., Tuesday, July 8, 1975, was lost.

Yeas 33; Nays 55.

Yeas:

Messrs.: Albright, Andrews, Boles, Coburn, Cooper, Drake, Ford, Goodwin, Greer, Harrison, Hill, Hilliard, Holmes, Hopping, Howard, Jack-

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son (R), Johnstone, Lee, Leonard, Lewis, Lockett, McCulley, McNair, McNees, Malone, Moore (O), Naramore, Reed, Robertson, Shelton, Trammell, Tucker and Wyatt.

—33

Nays:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Crawford, Cross, Dial, Edwards, Folmar, Gafford, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, Lutz, McCluskey, McMillan, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Turnham, Venable, Waggoner, Warren, Whatley, White and Williams.

—55

MOTION TO ADJOURN LOST

The motion offered by Mr. Cooper that the House adjourn until 4:35 o'clock p. m., Tuesday, July 8, 1975 was lost.

Yeas 36; Nays 54.

Yeas:

Messrs.: Andrews, Boles, Burgess, Coburn, Cooper, Crowe, Drake, Ford, Goodwin, Greer, Harrison, Hill, Hilliard, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Lee, Leonard, Lewis, Lockett, McCulley, McNair, McNees, Malone, Moore (O), Naramore, Reed, Robertson, Shelton, Teague, Trammell, Tucker and Wyatt.

—36

Nays:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Crawford, Cross, Dial, Edwards, Folmar, Gafford, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Jackson (F), Jolly, Kelley, Killian, Kinsey, Lutz, McCluskey, McMillan, Manley, Martin, Mitchem, Moore (W), Morris, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—54

H. 224 RESUMED

The question was again on the motion offered by Mr. Gregg to postpone the bill, H. 224 as amended, to the thirty-sixth legislative day.

MOTION TO RECESS LOST

The motion offered by Mr. Wyatt that the House stand in recess until 8:00 o'clock p. m. was lost.

Yeas 34; Nays 52.

Yeas:

Messrs.: Andrews, Boles, Brindley, Burgess, Coburn, Crowe, Drake, Falkenburg, Ford, Goodwin, Greer, Harrison, Hill, Hilliard, Holmes, Hopping, Jackson (R), Johnson, Johnstone, Kinsey, LeFlore, Lewis, Lockett, McCulley, McNees, Malone, Moore (O), Naramore, Reed, Robertson, Shelton, Trammell, Tucker and Wyatt.

—34

Nays:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Cates, Clark, Crawford, Cross, Dial, Edwards, Gafford, Gregg, Harris, Higginbotham, Hines, Holley, Jolly, Kelley, Killian, Leonard, Lutz, McCluskey, McMillan, McNair, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—52

MOTION TO ADJOURN LOST

The motion offered by Mr. Teague that the House adjourn until 11:00 o'clock a. m., Tuesday, July 8, 1975 was lost.

Yeas 34; Nays 48.

Yeas:

Messrs.: Albright, Andrews, Boles, Burgess, Coburn, Cooper, Crowe, Drake, Ford, Goodwin, Greer, Harrison, Hill, Hilliard, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, LeFlore, Lewis, Lockett, McCulley, McNair, McNees, Malone, Moore (O), Naramore, Robertson, Teague, Trammell, Tucker and Wyatt.

—34

Nays:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Crawford, Cross, Edwards, Folmar, Gafford, Gregg, Harris, Higginbotham, Hines, Jackson (F), Kelley, Killian, Kinsey, Lutz, McMillan, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Smith (B), Smith (M), Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—48

MOTION TO ADJOURN LOST

The motion offered by Mr. Greer that the House adjourn until 1:00 o'clock p. m., Tuesday, July 8, 1975, was lost.

MOTION TO ADJOURN LOST

The motion offered by Mr. Greer that the House adjourn until 1:30 o'clock p. m., Tuesday, July 8, 1975, was lost.

MOTION TO RECESS LOST

The motion offered by Mr. Wyatt that the House recess until 11:59 o'clock p. m., was lost.

MOTION TO ADJOURN LOST

The motion offered by Mr. Drake that the House adjourn until 12:00 o'clock noon, Tuesday, July 8, 1975, was lost.

Yeas 34; Nays 54.

Yeas:

Messrs.: Albright, Andrews, Boles, Burgess, Coburn, Crowe, Drake, Falkenburg, Ford, Greer, Hill, Hilliard, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, LeFlore, Lewis, Lockett, McCulley,

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McNair, McNees, Malone, Moore (O), Naramore, Reed, Robertson, Shelton, Teague, Trammell, Tucker and Wyatt.

—34

Nays:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Crawford, Cross, Dial, Edwards, Folmar, Gafford, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Jackson (F), Jolly, Kelley, Killian, Lutz, McCluskey, McMillan, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—54

MOTION TO RECESS LOST

The motion offered by Mr. Wyatt that the House recess until 11:58 o'clock p. m., was lost.

Yeas 31; Nays 52.

Yeas:

Messrs.: Andrews, Boles, Burgess, Coburn, Cooper, Crowe, Drake, Falkenburg, Ford, Greer, Hill, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Lewis, Lockett, McCulley, McNair, McNees, Malone, Moore (O), Naramore, Reed, Robertson, Shelton, Trammell, Tucker and Wyatt.

—31

Nays:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Crawford, Cross, Dial, Edwards, Folmar, Gafford, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Jackson (F), Jolly, Killian, Lutz, McCluskey, McMillan, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—52

MOTION TO RECESS LOST

The motion offered by Mr. Holley that the House recess for 10 minutes was lost.

Yeas 36; Nays 48.

Yeas:

Messrs.: Albright, Andrews, Boles, Brindley, Burgess, Coburn, Cooper, Drake, Falkenburg, Ford, Goodwin, Greer, Harrison, Hill, Holley, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Killian, Kinsey, LeFlore, Lewis, Lockett, McNair, McNees, Malone, Moore (O), Naramore, Reed, Robertson, Trammell, Tucker and Wyatt.

—36

Nays:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Cates, Clark, Crawford, Cross, Dial, Edwards, Folmar, Gafford, Gregg, Harris, Higginbotham, Hines, Jackson (F), Jolly, Kelley, Lutz, McCluskey, McMillan, Manley, Martin, Mitchem, Moore (W), Owens,

Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—48

MOTION TO ADJOURN LOST

The motion offered by Mr. Robertson that the House adjourn until 8:00 o'clock a. m., Tuesday, July 8, 1975, was lost.

Yeas 33; Nays 54.

Yeas:

Messrs.: Albright, Andrews, Boles, Burgess, Coburn, Cooper, Drake, Falkenburg, Greer, Harrison, Hill, Hilliard, Hopping, Howard, Jackson (R), Johnson, Johnstone, LeFlore, Lewis, Lockett, McCulley, McNair, McNeas, Malone, Moore (O), Naramore, Porter, Robertson, Shelton, Teague, Trammell, Tucker and Wyatt.

—33

Nays:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Crawford, Cross, Dial, Edwards, Folmar, Gafford, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Jackson (F), Jolly, Kelley, Killian, Kinsey, Lutz, McCluskey, McMillan, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—54

MOTION TO ADJOURN LOST

The motion offered by Mr. Greer that the House adjourn until 11:30 o'clock a. m., Tuesday, July 8, 1975, was lost.

Yeas 37; Nays 54.

Yeas:

Messrs.: Albright, Andrews, Boles, Burgess, Coburn, Cooper, Drake, Falkenburg, Goodwin, Greer, Harrison, Hill, Hilliard, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCulley, McNeas, Malone, Moore (O), Naramore, Porter, Reed, Robertson, Shelton, Teague, Trammell, Tucker and Wyatt.

—37

Nays:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Crawford, Cross, Dial, Edwards, Folmar, Gafford, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Jackson (F), Jolly, Kelley, Killian, Lutz, McCluskey, McMillan, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—54

MOTION TO ADJOURN LOST

The motion offered by Mr. Tucker that the House adjourn until 3:15 o'clock p. m., Tuesday, July 8, 1975, was lost.

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Yeas 31; Nays 51.

Yeas:

Messrs.: Albright, Andrews, Boles, Cooper, Drake, Falkenburg, Greer, Harrison, Hill, Hilliard, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, LeFlore, Lewis, McCulley, McNair, McNees, Malone, Moore (O), Naramore, Reed, Robertson, Teague, Trammell, Tucker and Wyatt.

—31

Nays:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Crawford, Cross, Dial, Edwards, Folmar, Gafford, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Jackson (F), Jolly, Killian, Lutz, McCluskey, McMillan, Manley, Martin, Moore (W), Morris, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—51

PERMISSION REFUSED

Permission to extend his speaking time was refused Mr. Hilliard.

Yeas 18; Nays 45.

Yeas:

Messrs.: Andrews, Burgess, Cooper, Crowe, Drake, Holmes, Howard, Jackson (R), Johnson, Johnstone, LeFlore, McNair, McNees, Malone, Moore (O), Naramore, Reed and Wyatt.

—18

Nays:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Crawford, Cross, Folmar, Gafford, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Jackson (F), Kelley, Killian, Kinsey, Lutz, McCluskey, Manley, Martin, Mitchem, Moore (W), Owens, Pegues, Plaster, Riddick, Sandusky, Sasser, Smith (C), Smith (M), Turnham, Venable, Waggoner, Warren, Weeks, Whatley and White.

—45

H. 224 RESUMED

MOTION TO POSTPONE TABLED

On motion of Mr. Gregg, the motion offered by Mr. Jackson (R) that the bill, H. 224 as amended, be postponed to the fourteenth legislative day, was tabled.

Yeas 53; Nays 29.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Crawford, Cross, Dial, Edwards, Folmar, Gafford, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Jackson (F), Kelley, Killian, Lewis, Lutz, McCluskey, McMillan, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Turnham, Venable, Waggoner, Weeks and Whatley.

—53

Nays:

Messrs.: Albright, Andrews, Boles, Burgess, Crowe, Drake, Falkenburg, Ford, Greer, Harrison, Hilliard, Howard, Jackson (R), Johnson, Johnstone, LeFlore, McCulley, McNair, McNeese, Malone, Moore (O), Naramore, Reed, Robertson, Teague, Trammell, Tucker, Williams and Wyatt.

—29

The question was again on the motion offered by Mr. Gregg to postpone the bill, H. 224 as amended, to the thirty-sixth legislative day.

MOTION TO ADJOURN LOST

The motion offered by Mr. Robertson that the House adjourn until 11:00 o'clock a. m., Tuesday, July 8, 1975, was lost.

Yeas 35; Nays 50.

Yeas:

Messrs.: Albright, Andrews, Boles, Burgess, Coburn, Cooper, Drake, Falkenburg, Ford, Greer, Harrison, Hill, Hilliard, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Kinsey, Leonard, Lewis, Lockett, McCulley, McNeese, Malone, Moore (O), Naramore, Reed, Robertson, Shelton, Trammell, Tucker, Williams and Wyatt.

—35

Nays:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Crawford, Cross, Dial, Edwards, Folmar, Gafford, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Jackson (F), Jolly, Killian, Lutz, McCluskey, McMillan, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Smith (C), Smith (M), Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley and White.

—50

H. 224 RESUMED

MOTION TO POSTPONE TABLED

On motion of Mr. Gregg, the motion offered by Mr. Tucker to postpone the bill, H. 224 as amended, to the fourteenth legislative day was tabled.

Yeas 52; Nays 30.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Cross, Dial, Edwards, Folmar, Gafford, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Howard, Jackson (F), Killian, Leonard, Lewis, Lutz, McCluskey, McMillan, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Smith (C), Smith (M), Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley and White.

—52

Nays:

Messrs.: Albright, Andrews, Boles, Coburn, Cooper, Drake, Falkenburg, Ford, Harrison, Hill, Hilliard, Holmes, Hopping, Jackson (R), John-

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stone, Jolly, Kinsey, LeFlore, Lockett, McCulley, McNair, McNees, Malone, Moore (O), Naramore, Reed, Robertson, Trammell, Tucker and Wyatt.

—30

MOTION TO ADJOURN LOST

The motion offered by Mr. Holmes that the House adjourn until 11:00 o'clock a. m., Tuesday, July 8, 1975, was lost.

MOTION TO ADJOURN LOST

On the call for a viva voce vote, the motion offered by Mr. Jackson (R) that the House adjourn until 9:00 o'clock a. m., Tuesday, July 8, 1975, was lost.

Yeas 41; Nays 52.

Yeas:

Messrs.: Albright, Andrews, Boles, Burgess, Coburn, Cooper, Crowe, Drake, Falkenburg, Ford, Greer, Harrison, Hill, Hilliard, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, LeFlore, Leonard, Lewis, Lockett, McCulley, McNair, McNees, Malone, Moore (O), Naramore, Reed, Rich, Robertson, Shelton, Taylor, Teague, Trammell, Tucker, Williams and Wyatt.

—41

Nays:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Crawford, Cross, Dial, Edwards, Folmar, Gafford, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Jackson (F), Kelley, Killian, Kinsey, Lutz, McCluskey, McMillan, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Smith (C), Smith (M), Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley and White.

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MOTION TO ADJOURN LOST

On a viva voce vote called for by Mr. Cooper, the motion offered by Mr. Robertson that the House adjourn until 11:00 o'clock a. m., Tuesday, July 8, 1975, was lost.

Yeas 42; Nays 52.

Yeas:

Messrs.: Albright, Andrews, Boles, Burgess, Coburn, Cooper, Crowe, Drake, Falkenburg, Ford, Greer, Harrison, Hill, Hilliard, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCulley, McNair, McNees, Malone, Moore (O), Naramore, Reed, Rich, Robertson, Shelton, Taylor, Teague, Trammell, Tucker, Williams and Wyatt.

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Nays:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Crawford, Cross, Dial, Edwards, Folmar, Gafford, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Jackson (F), Kelley, Killian, Lutz, McCluskey, McMillan, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Riddick, Roberts,

Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley and White.

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CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:20 P. M. On June 26, 1975.

H. J. R. 26

H. J. R. 48

H. J. R. 60

H. J. R. 79

Delivered to the Governor at 4:45 P. M. On June 26, 1975.

H. J. R. 101

JOHN W. PEMBERTON,
Clerk.

SUBSTITUTE MOTION ADOPTED

Mr. Carothers moved to have the clock stopped and on substitute motion of Mr. Manley, the House adjourned until 12:00 o'clock noon, Tuesday, July 8, 1975.

TWELFTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, July 8, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Henry M. Steele, Pastor, Hutchinson Street Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley,

Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eleventh legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the eleventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eleventh legislative day was approved.

BILLS ON SECOND READING

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 563. To require any doctor licensed to practice medicine in this state to report to a peace officer of competent jurisdiction the treatment of any gunshot wound or the treatment of a wound inflicted by a knife or other sharp instrument wielded by another person; and providing immunity from suit for complying with the provisions of this act; and prescribing penalties.

Mr. Kinsey, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 678. To amend Sections 373 and 744 of Act No. 407, H. 198, Legislature of Alabama of 1971, approved August 25, 1971, entitled "An Act to provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations, and the admission of foreign alien insurance companies, societies and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies, and associations organized, existing or authorized under this Act may exercise their powers; to provide the rights, powers and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to pro-

vide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violation of this Act; to repeal certain laws and Acts, and for other purposes," which relate to the Standard Nonforfeiture and Standard Valuation Laws applicable to life insurance companies so as to increase the interest rates used in determining minimum nonforfeiture and reserve values for contracts issued by such companies, and to substitute modern mortality tables in determining the reserve values for annuity contracts.

H. 664. Providing for the licensing of insurance premium finance companies; imposing powers and duties on the Commissioner of Insurance; providing for regulation of such companies in the rates and charges permissible and penalties for violations of this Act.

H. 689. To provide for compensation for services to patients under insurance coverage, whether rendered by a physician or dentist, so long as the provider acts within the scope of his licensure.

Mr. Cross, Chairman of the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 775. To exempt trucks used by farmers, custom harvesters or husbandmen from state weight regulations when such trucks are used exclusively for the purpose of transporting agricultural commodities or products to and from a farm.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 957. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census; to provide an increased clerk hire allowance for certain county officials.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 969. (With Amendment): Relating to counties having populations of not less than 39,500 nor more than 41,500 according to the most recent Federal Decennial Census, providing for the County Commission to borrow not more than \$300,000.00 for a period not to exceed 18 months to pay for renovation of the County Courthouse within such counties.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 976. Relating to Coosa county; to provide further for the type of newspapers in which certain notices required to be published in news-

papers under the provisions of Section 713, Title 7, Code of Alabama 1940, may be published.

H. 1001. Relating to the circuit judge in every judicial circuit composed of one county, having but one circuit judge, with a population of not less than 27,000 nor more than 27,900, authorizing an expense allowance for the circuit judge; and repealing Act No. 1467, S. 1001, 1971 Regular Session (Acts of 1971, p. 2510) entitled, "An Act relating to the office of the circuit judge in every judicial circuit composed of one county, having but one circuit judge with a population of not less than 27,000 nor more than 27,900, authorizing an expense allowance for the circuit judge."

H. 1002. To amend further the title and Section 1 of Act No. 611, H. 754, Regular Session 1967 (Acts 1967, p. 1416), as amended, which provides for the appointment of an additional clerk as assistant to the clerk by the circuit court clerk in certain counties classified on a population basis, so as to increase the compensation of said assistant to the clerk.

H. 1003. Relating to the official court reporter in every judicial circuit, composed of one county with a population of not less than 27,000 nor more than 27,900, so as to authorize an expense allowance for the court reporter.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 265. (With Amendments): To require at least one member of the board of registrars in all counties having populations of not less than 150,000 nor more than 180,000 according to the most recent or any subsequent decennial census to visit each legislative house district for the purpose of accepting forms for the reidentification of voters and for the purpose of accepting applications for the registration of voters; to provide for the designation of places to be visited; to provide further for the compensation and mileage of members of the board.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 823. Relating to all counties having populations of not less than 125,000 nor more than 175,000 according to the most recent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff.

H. 824. Relating to counties having populations of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census, to provide for the payment of benefits to the employees of any such county who are totally disabled as the result of injuries received in the performance of their official duties and to the surviving dependents of employees of such counties who are killed in the performance of their official duties, and repealing all conflicting laws.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable

report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 170. Relating to Washington County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Washington County.

H. 927. Relating to St. Clair County, providing for the salaries of the chief deputy sheriff and the existing deputy sheriffs, providing for the hiring of additional deputy sheriffs for said county, and providing retroactive effect to the provisions of this act.

H. 928. Relating to St. Clair County; fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 945. (With Amendment): Relating to Elmore County; to provide for an expense allowance for certain county officers and employees.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 946. To amend further Section 1 of Act No. 47, H. 100 of the 1962 Special Session, as amended, an Act fixing the compensation of certain officers of Elmore County so as to increase the compensation of certain of the officers whose compensation has heretofore been fixed by such Act and to fix the compensation of other officers of such county.

H. 972. To amend Section 1 of Act No. 451, S. 659, Regular Session of the Legislature of 1973, which act relates to the office of super-numerary county commissioner in all counties with a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census, so as to further prescribe the qualifications for said position in such counties.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Gafford:

H. 1008. To amend Section 2 of the Child Care Act of 1971 (Acts of 1971, p. 4423, now appearing in Code of Alabama, Recompiled 1958, Title 49, Section 84 (2)), so as to exempt churches and religious societies.

State Administration.

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By Messrs. Gafford and Biddle:

H. 1009. To apply to every County of this State having a population of 600,000 or more according to the last or any subsequent Federal Census; to provide that the officers and employees of any public corporation created by such County to operate a hospital shall be members of any pension system established for the officers and employees of the County, subject to the exceptions, terms and conditions stated in the Act.

Local Legislation No. 2.

By Messrs. Gafford and Jackson (R):

H. 1010. To provide that in each county of this State having a population of 500,000 or more, according to the last or any subsequent federal census, it shall be the duty of the governing body of the county to adopt whatever regulations the governing body deems appropriate requiring motor vehicles owned or controlled by the county, excluding those in the Sheriff's Department owned or controlled by the county, to be so painted and otherwise marked as to be easily identifiable as county vehicles; to authorize the governing body to prescribe different colors and signs for county motor vehicles used in the Sheriff's Department and county vehicles used in other county departments; to require that the regulations the county governing body adopts hereunder shall be contained in a resolution adopted by the governing body; and to provide that a violation of any of the provisions of any regulation adopted under this Act shall constitute a misdemeanor, and shall be punishable as provided for in Section 327, Title 15, Code of Alabama of 1940.

Local Legislation No. 2.

By Mr. McCorquodale (With Notice and Proof):

H. 1011. Relating to Clarke County, Alabama; authorizing the Clarke County Commission to appropriate and pay monies, out of the General Fund of the County, in such amounts as it may determine, to or for the use and benefit of the Clarke County Association for Retarded Citizens.

Local Legislation No. 1.

Notice and Proof H. 1011:

NOTICE OF LOCAL LAW

Notice is hereby given that a local act in substantially the following form will be introduced in the current Session of the Legislature of Alabama:

A BILL
TO BE ENTITLED
AN ACT

Relating to Clarke County, Alabama; authorizing the Clarke County Commission to appropriate and pay monies, out of the General Fund of the County, in such amounts as it may determine, to or for the use and benefit of the Clarke County Association for Retarded Citizens.

Be It Enacted by the Legislature of Alabama:

Section 1. The Clarke County Commission is hereby authorized to appropriate and pay monies, out of the General Fund of Clarke County, Alabama, in such amounts as it may determine, to or for the use and benefit of the Clarke County Association for Retarded Citizens.

JOURNAL OF THE HOUSE, 1975
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Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
CLARKE COUNTY

Before me, Nell A. Chapman, a Notary Public in and for said County in said state personally appeared R. W. McGwier, who is known to me, and who, being duly sworn, deposes and says:

That he is Publisher of The Clarke County Democrat, a newspaper published weekly at Grove Hill, in Clarke County, Alabama, and that the following notice was published in said newspaper once a week for 4 successive weeks, said notice appearing in the following issues: May 29, 1975 to June 19, 1975, inclusive.

R. W. McGWIER,
Publisher.

Sworn to and subscribed before me this day of June 26, 1975.

NELL A. CHAPMAN,
Notary Public, Clarke County, Ala.

By Mr. McCorquodale (With Notice and Proof):

H. 1012. Relating to Clarke County; providing an additional expense allowance for the members of the Clarke County Commission or other like governing body.

Local Legislation No. 1.

Notice and Proof H. 1012:

NOTICE OF LOCAL LAW

Notice is hereby given that a local act in substantially the following form will be introduced in the approaching Session of the Legislature of Alabama:

A BILL
TO BE ENTITLED
AN ACT

Relating to Clarke County; providing an additional expense allowance for the members of the Clarke County Commission or other like governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the governing body of Clarke County, except the Chairman, shall receive an additional annual expense allowance of thirty six hundred (\$3,600) dollars, payable in equal monthly installments of three hundred (\$300) dollars. The Chairman of Clarke County Commission shall not be entitled to any additional expense allowance under the provisions of this act. Said expense allowance is in addition to any and all other expense allowances, salary and compensation provided by law. Such payments shall be paid on warrants approved by the Clarke County Commission on any funds in the county treasury not otherwise appropriated.

Section 2. All laws or parts of laws which conflict with this act are repealed insofar as they relate to Clarke County.

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Section 3. This act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
CLARKE COUNTY

Before me, Nell A. Chapman, a Notary Public in and for said County in said state personally appeared R. W. McGwier, who is known to me, and who, being duly sworn, deposes and says:

That he is Publisher of The Clarke County Democrat, a newspaper published weekly at Grove Hill, in Clarke County, Alabama, and that the following notice was published in said newspaper once a week for 4 successive weeks, said notice appearing in the following issues: May 29, 1975 to June 19, 1975, inclusive.

R. W. McGWIER,
Publisher.

Sworn to and subscribed before me this day of June 26, 1975.

NELL A. CHAPMAN,
Notary Public, Clarke County, Ala.

By Mr. McCorquodale (With Notice and Proof):

H. 1013. Relating to Clarke County, Alabama; to provide that the Clerk of the Inferior Court of said County and the Recorders of the Municipal Courts of Grove Hill, Jackson and Thomasville in said County may each take affidavits and complaints, issue warrants of arrest in misdemeanor and felony cases, and issue search warrants.

Local Legislation No. 1.

Notice and Proof H. 1013:

NOTICE OF LOCAL LAW

Notice is hereby given that a local act in substantially the following form will be introduced in the approaching Session of the Legislature of Alabama:

A BILL
TO BE ENTITLED
AN ACT

Relating to Clarke County, Alabama; to provide that the Clerk of the Inferior Court of said County and the Recorders of the Municipal Courts of Grove Hill, Jackson and Thomasville in said County may each take affidavits and complaints, issue warrants of arrest in misdemeanor and felony cases, and issue search warrants.

Be It Enacted by the Legislature of Alabama:

Section 1. The Clerk of the Inferior Court of Clarke County, Alabama, and the Recorders of the Municipal Courts of Grove Hill, Jackson and Thomasville, in said County, may each take affidavits and complaints in misdemeanor and felony cases, may issue warrants of arrest in such cases, and may issue search warrants. Such complaints so taken and warrants and search warrants so issued by such Clerk or by any one of such Recorders shall have the same legal force and effect as though the same had been taken or issued by the Judge of the Inferior Court of Clarke County, Alabama. Each such officer shall receive a fee of \$1.00 for each writ of arrest or search warrant issued by him, to be taxed and collected as other costs are collected.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

**STATE OF ALABAMA
CLARKE COUNTY**

Before me, Hazel Keen, a Notary Public in and for said County in said state personally appeared R. W. McGwier, who is known to me, and who, being duly sworn, deposes and says:

That he is Publisher of The Clarke County Democrat, a newspaper published weekly at Grove Hill, in Clarke County, Alabama, and that the following notice was published in said newspaper once a week for 4 successive weeks, said notice appearing in the following issues: May 8, 1975 to May 29, 1975, inclusive.

R. W. McGWIER,
Publisher.

Sworn to and subscribed before me this day of June 27, 1975.

HAZEL KEEN,
Notary Public, Clarke County, Ala.

By Messrs. Taylor, Ford, Rich and Brindley (With Notice and Proof):

H. 1014. Relating to Etowah County, to authorize the Etowah County Commission, to impose an additional privilege or excise tax upon the sale, use or consumption of malt or brewed beverages within such counties; providing for the administration of the Act and the collection and distribution of proceeds of the tax.

Local Legislation No. 1.

Notice and Proof H. 1014:

NOTICE

**STATE OF ALABAMA
COUNTY OF ETOWAH**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Etowah County; to authorize the Etowah County Commission, to impose an additional privilege or excise tax upon the sale, use or consumption of malt or brewed beverages within such counties; providing for the administration of the Act and the collection and distribution of proceeds of the tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The Etowah County Commission, is hereby authorized and empowered to impose, in addition to all other taxes heretofore provided by law, a privilege or license tax upon the sale, use or consumption, distribution, storing or withdrawing from storage of any malt or brewed beverages, within such counties as follows:

(a) 1c per can, bottle, or other container containing twelve fluid ounces or less;

(b) 1¼c per can, bottle, or other container containing more than twelve fluid ounces;

To be paid by every firm, distributor, storer or user of any malt or brewed beverages; provided, that where the amount of the tax authorized to be levied herein shall have been paid to the county by any seller, distributor, dealer, storer or user, such payment shall be sufficient, the intent being that the tax authorized herein shall be paid but once.

Section 2. The privilege or license tax authorized hereby shall be collected in the same manner as heretofore provided for the collection of other privilege or license taxes upon the sale of malt or brewed beverages within such counties; and all previous provisions relating to reporting of sales and rules, regulations and administrative machinery for the enforcement and collection of such similar taxes shall apply with regard to the tax authorized hereby, including the discretion to provide for devices for affixing stamped impression on lids and crowns to be used in evidence of payment of tax.

Section 3. After the payment of all costs of collection and enforcement of this act, the net proceeds shall be deposited in the county general fund, to be used for such purposes as the County Commission, Board of Revenue, or like governing body may direct.

Section 4. The provisions of this act are severable. If any part hereof is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The tax authorized to be imposed by this Act may be nullified at any time upon adoption of an appropriate resolution by the Etowah County Commission.

Section 6. All laws or parts of laws in conflict with this Act are repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor.

STATE OF ALABAMA
ETOWAH COUNTY

Before me, Peggy Culberson a Notary Public, in and for said County, in said State, personally appeared Angie Sharp, who is known to me, and who, after being by me duly sworn, deposes and says under oath as follows:

That she is Advertising Bookkeeper of The Gadsden Times, a Newspaper published in said County, in said State, and authorized under the laws of the State of Alabama to carry legal advertising;

That, as such employee, she has knowledge of the facts hereinafter stated, and that she is authorized by said, The Gadsden Times, to make this affidavit;

That there is glued to said affidavit notice of the A Bill to be Entitled an Act, which notice was printed in The Gadsden Times in its regularly circulated editions on March 28, April 4, April 11, and April 18 1975, and that the clipping glued to this affidavit constitutes an exact and true copy of said advertisement as it appears in The Gadsden Times on the dates shown above.

Subscribed and sworn to by me on this, the 16th day of June, 1975.

ANGIE SHARP.

Subscribed and sworn to before me on this 16th day of June, 1975.

PEGGY CULBERSON,
Notary Public, Etowah County, Alabama.

By Messrs. Taylor, Ford, Rich and Brindley (With Notice and Proof):

H. 1015. To prescribe duties and powers of the stenographic secretaries of the District Attorney of the Sixteenth Judicial Circuit.

Local Legislation No. 1.

Notice and Proof H. 1015:

NOTICE

STATE OF ALABAMA COUNTY OF ETOWAH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made to-wit:

A BILL TO BE ENTITLED AN ACT

To prescribe duties and powers of the stenographic secretaries of the District Attorney of the Sixteenth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Any stenographic secretary of the District Attorney of the Sixteenth Judicial Circuit of Alabama is hereby empowered, when so directed by the District Attorney, to attend The Grand Juries of the county comprising the Sixteenth Judicial Circuit, prepare indictments and documents arising therefrom, record Grand Jury proceedings and administer oaths in connection therewith or in any other investigations being conducted by the said District Attorney's office.

Section 2. All laws and parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA ETOWAH COUNTY

Before me, Peggy Culberson a Notary Public, in and for said County, in said State, personally appeared Angie Sharp, who is known to me, and who, after being by me duly sworn, deposes and says under oath as follows:

That she is Advertising Bookkeeper of The Gadsden Times, a Newspaper published in said County, in said State, and authorized under the laws of the State of Alabama to carry legal advertising;

That, as such employee, she has knowledge of the facts hereinafter stated, and that she is authorized by said, The Gadsden Times, to make this affidavit;

That there is glued to said affidavit notice of the A Bill to be Entitled an Act, which notice was printed in The Gadsden Times in its

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regularly circulated editions on March 28, April 4, April 11, and April 18 1975, and that the clipping glued to this affidavit constitutes an exact and true copy of said advertisement as it appears in The Gadsden Times on the dates shown above.

Subscribed and sworn to by me on this, the 16th day of June, 1975.

ANGIE SHARP.

Subscribed and sworn to before me on this 16th day of June, 1975.

PEGGY CULBERSON,
Notary Public, Etowah County, Alabama.

By Messrs. Taylor, Ford, Rich and Brindley (With Notice and Proof):

H. 1016. Relating to Etowah County; authorizing the Etowah County Commission to impose a privilege or license tax upon the sale, distribution, storage, use or other consumption of cigarettes in said county; providing for enforcement and collection of the tax, and making provisions for the distribution of the proceeds.

Local Legislation No. 1.

Notice and Proof H. 1016:

STATE OF ALABAMA
COUNTY OF ETOWAH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Etowah County; authorizing the Etowah County Commission to impose a privilege or license tax upon the sale, distribution, storage, use or other consumption of cigarettes in said county; providing for enforcement and collection of the tax, and making provisions for the distribution of the proceeds.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Etowah County.

Section 2. In addition to all other taxes heretofore imposed by law, the Etowah county commission is hereby authorized and empowered to impose upon every person, firm, or corporation who sells, stores, delivers, uses or otherwise consumes cigarettes in Etowah County, a privilege or license tax in the amount of three cents (\$.03) for each package of cigarettes, made of tobacco or any substitute therefor; provided, however, that when the tax authorized to be imposed hereby shall have been paid by a wholesaler or seller of cigarettes, such payment shall be sufficient, the intent being that such tax shall be paid but once on each package of cigarettes.

Section 3. The tax authorized to be levied by this Act shall be paid by affixing stamps as is required for the payment of tax imposed by Title 15, Chapter 20, Article 9, Code of Alabama, 1940, as amended. The State Department of Revenue shall have the same duties relative to the preparation and sale of stamps to evidence the payment of such tax that it has relative to the preparation and sale of stamps under the article;

and it may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax hereby authorized that it does relative to the collection of that tax.

Section 4. The State Department of Revenue is hereby authorized to promulgate and enforce rules and regulations to effectuate the purposes of this act, which said rules and regulations shall have the force and effect of law.

Section 5. All laws, and rules and regulations of the Department of Revenue, relating to the manner and time of payment of the tax levied by Title 51, Chapter 20, Article 9, Code of Alabama, 1940, as amended, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax authorized by this Act as if fully set out herein.

Section 6. The proceeds of the tax hereby authorized, less the actual costs of collection not to exceed ten per centum (10%), shall be paid by the state department of revenue into the Etowah County general fund, to be used for such purposes as the county commission may direct.

Section 7. (a) None of the provisions hereof shall be applied in such manner as to be in violation of the commerce or other clauses of the United States Constitution. (b) This Act shall not be construed to apply to cigarettes stored by a wholesale dealer for the purpose of resale or reshipment outside of the county which are actually resold or reshipped.

Section 8. The Tax authorized to be imposed by this Act may be nullified at any time upon adoption of an appropriate resolution by the Etowah County Commission.

Section 9. The provisions of this Act are severable. Should any part hereof be declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws, or parts of laws, in conflict herewith are repealed.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA ETOWAH COUNTY

Before me, Peggy Culberson a Notary Public, in and for said County, in said State, personally appeared Angie Sharp, who is known to me, and who, after being by me duly sworn, deposes and says under oath as follows:

That she is Advertising Bookkeeper of The Gadsden Times, a Newspaper published in said County, in said State, and authorized under the laws of the State of Alabama to carry legal advertising;

That, as such employee, she has knowledge of the facts hereinafter stated, and that she is authorized by said, The Gadsden Times, to make this affidavit;

That there is glued to said affidavit notice of the A Bill to be Entitled an Act, which notice was printed in The Gadsden Times in its regularly circulated editions on March 28, April 4, April 11, and April 18 1975, and that the clipping glued to this affidavit constitutes an exact and true

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copy of said advertisement as it appears in The Gadsden Times on the dates shown above.

Subscribed and sworn to by me on this, the 16th day of June, 1975.

ANGIE SHARP.

Subscribed and sworn to before me on this 16th day of June, 1975.

PEGGY CULBERSON,
Notary Public, Etowah County, Alabama.

By Mr. Boles:

H. 1017. Providing that no county, municipal or other local governmental agency shall impose any local tax, fee, assessment or revenue upon the wage, salary, commission or income of whatever origin, whether known as an occupational tax, payroll tax, or by any other name, of any person over which such governmental agency has jurisdiction, except as herein provided.

State Administration.

By Messrs. Boles and Hall:

H. 1018. Relating to education; to provide for the unlimited accumulation of sick leave for members of the teaching profession; to give each teacher an option of receiving payment for fifty percent (50%) of his accrued and unused sick leave at the time of retirement or receive credit toward retirement benefits for fifty percent (50%) of his accrued and unused sick leave at the time of retirement; to provide for the minimum number of sick days allowed a teacher for each month the teacher worked; and for these purposes further amending Code of Alabama, 1940, Title 52, Section 136, and further amending Section 2 of Act 236, H. 204, 1945 Regular Session [Acts of 1945, p. 357; now appearing in Code of Alabama Recompiled 1958, Title 52, Section 40 (4)].

Ways and Means.

By Messrs. Boles and Hall:

H. 1019. Relating to state merit system employees; to provide for the unlimited accumulation of sick leave for state merit system employees; to establish a minimum of 1½ days a month for sick leave for each month an employee worked; to provide for any state merit system employee to have an option to receive credit toward retirement benefits for fifty percent (50%) of his accrued and unused sick leave at the time of retirement; and for these purposes amending Code of Alabama 1940, Title 55, Section 300 and amending Section 2 of Act No. 752, H. 1059, 1973 Regular Session [Acts of 1973, p. 1125; now appearing in Code of Alabama Recompiled 1958, Title 55, Section 361 (7)].

Ways and Means.

By Messrs. Sparks and Drake (With Notice and Proof):

H. 1020. To amend Act No. 1242, H. 1633, 1971 Regular Session (Acts 1971, p. 2144) entitled "An Act Relating to Cullman County; to prescribe the amount of the director's fee which may be paid to members of the board of directors of certain gas districts", so as to increase the amount of the director's fee.

Local Legislation No. 1.

Notice and Proof H. 1020:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 1242, H. 1633, 1971 Regular Session (Acts 1971, p. 2144) entitled "An Act Relating to Cullman County, to prescribe the amount of the director's fee which may be paid to members of the board of directors of certain gas districts", so as to increase the amount of the director's fee.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 1242, H. 1633, 1971 Regular Session (Acts 1971, p. 2144) entitled "An Act Relating to Cullman County; to prescribe the amount of the director's fee which may be paid to members of the board of directors of certain gas districts" is hereby amended to read as follows:

Section 1. The members of the board of directors of any gas district incorporated pursuant to Act No. 762, S. 515, of the Regular Session of the Legislature of 1951 (Acts of 1951, Vol. 2, p. 1319), which secures a supply of natural or artificial gas or transports, or distributes or sells gas or gas services for a municipality or municipalities in Cullman County, at the discretion of the board of directors, may each be paid a director's fee of not exceeding fifty dollars for each director's meeting, not exceeding one meeting during each calendar month. Such director's fee shall be in lieu of the director's fee prescribed in Section 6 of said Act No. 762 of 1951. However, any member of the board of directors of a gas district entitled to the director's fee hereinabove prescribed shall continue to be reimbursed for actual expenses incurred in and about the performance of his duties as a member of such board as authorized in said Section 6 of Act No. 762 of 1951.

Section 2. The provisions of this amendatory act shall become effective upon the first day of the month next succeeding the date this Act shall become law.

THE STATE OF ALABAMA
CULLMAN COUNTY

Before me Sue Evans, a Notary Public in and for said County and State, personally appeared Robert Bryan, Business Manager of THE CULLMAN TIMES, a daily newspaper published in Cullman, Cullman County, Alabama, and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper once a week for four weeks successively and being in the issues of said newspaper of the following dates, viz: May 9, 16, 23, 30, 1975.

ROBERT BRYAN,
Business Manager.

Sworn to and subscribed before me this 30 day of May, 1975.

SUE EVANS,
Notary Public.

My Commission Expires August 21, 1977.

By Messrs. Porter, Jackson (R), Howard and Hilliard:

H. 1021. Further amending Act No. 47, Special Session 1961 (Acts 1961, p. 1904) now appearing in Alabama Code, Recompiled 1958, as Title

51, Section 12 (2); providing exemptions from taxation and licensing of certain charitable, religious, or civic organizations.

Ways and Means.

By Messrs. Smith (C) and Plaster:

H. 1022. To amend Section 1 of Act No. 471, S. 189, Regular Session 1969, (Acts of 1969, p. 914; now appearing in Code of Alabama, 1940, Recompiled 1958, Title 55, Section 531, entitled "An Act To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles, to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool"; so as to place certain limitations on the size of such vehicles to be purchased for use by any employee, official or officer of the state except certain law enforcement personnel and constitutional officers.

State Administration.

By Mr. Lockett:

H. 1023. To amend Section 2 of Act No. 178, H. 153, Special Session 1967 (Acts 1967, p. 229), which act relates to the assessment of counsel fees in certain cases involving indigent criminal defendants, and which act supplements Act No. 526, S. 352, Regular Session 1963 (Acts 1963, p. 1136), as amended (both of which acts appear combined as Article 2, Section 318 (1) - 318 (12), Title 15, Code of Alabama 1940), so as to specifically provide that the court shall not pay a court-appointed attorney a lesser amount for defending a capital case than for a non-capital case.

Ways and Means.

By Mr. Lockett:

H. 1024. To amend the title and Section 1 of Act No. 526, S. 352, Regular Session 1963 (Acts 1963, p. 1136) as amended and as also appearing as Title 15, Section 318 (1), Code of Alabama, 1940, which act provides for the appointment of counsel for indigent defendants in certain non-capital cases, so as to provide that the provisions of said act shall apply to defendants in certain capital, as well as certain non-capital cases, and to specifically repeal Section 318, Title 15, Code of Alabama, 1940, which code section has been superceded by the said Act No. 526, S. 352, Regular Session 1963 (Acts 1963, p. 1136), as amended.

Ways and Means.

By Mr. Lockett:

H. 1025. To provide for special tags for vehicles owned by members of the Sheriff's Boy's or Girl's ranch.

State Administration.

By Mr. Burgess:

H. 1026. Relating to education; to provide free tuition at any state supported institution of higher learning including junior colleges, trade

and technical schools for the academic year following graduation, to certain high school graduates who have maintained a C grade average or better their senior year.

Ways and Means.

By Messrs. Gregg, Lutz and Smith (B) (With Notice and Proof):

H. 1027. To change the compensation of the Coroner of Madison County, Alabama.

Local Legislation No. 4.

Notice and Proof H. 1027:

**STATE OF ALABAMA
COUNTY OF MADISON**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

To change the compensation of the Coroner of Madison County, Alabama.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The Coroner of Madison County, Alabama shall receive as compensation a salary of Three Thousand Dollars (\$3,000.00) per annum, which shall be payable in equal monthly installments by proper warrant drawn on the General Fund of the County.

SECTION 2. Any expense allowance or other entitlement allowed by law to be paid to said officer herein named prior to the passage of this act shall continue to be paid said officer.

SECTION 3. All laws or parts of laws which conflict with this act are repealed.

SECTION 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

**STATE OF ALABAMA
MADISON COUNTY**

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on June 12, 19, 26 and 30, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 30 day of June, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

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By Messrs. Gregg, Lutz and Smith (B) (With Notice and Proof):

H. 1028. To change the compensation of the Sheriff of Madison County, Alabama.

Local Legislation No. 4.

Notice and Proof H. 1028:

STATE OF ALABAMA
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

A BILL
TO BE ENTITLED
AN ACT

To change the compensation of the Sheriff of Madison County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Madison County, Alabama, shall be entitled to receive as compensation a salary of Twenty Thousand Seven Hundred Dollars (\$20,700.00) per annum, which shall be payable in equal monthly installments by proper warrant drawn on the General Fund of the County. Such salary shall be in lieu of all other compensation, remuneration or repayment of expenses heretofore provided by law, including, but not limited to, fees, commissions, allowances, percentages, charges and expenses for transferring prisoners and insane persons to and from points outside the County, allowances authorized for feeding prisoners and other charges heretofore paid such officer.

Section 2. All fees, commissions, allowances, percentages and other charges heretofore collected for the use of the Sheriff, hereafter shall be collected and paid into the General Fund of the County by the officer authorized by law to make such collection. Such payment into the General Fund of the County shall be made by the 10th day of the month following collection.

Section 3. The County governing body shall likewise provide the Sheriff with such clerical assistance, quarters, books, stationery and supplies, furniture, equipment, postage, travel expenses and such other conveniences as it may consider necessary for the proper and efficient operation of the Sheriff's office and shall furnish the Sheriff an adequate number of automobiles or other motor vehicles, which shall be repaired, maintained and serviced (including oil, gas, tires, battery service and lubrication necessary for their upkeep and operation) at the Madison County Highway Maintenance Shop, or elsewhere in case of emergency, at the expense of the General Fund of the County under such regulations as the County governing body may prescribe. The Sheriff shall have a chief deputy and such additional deputies as shall be provided in the budget adopted by the governing body of Madison County, Alabama, for the operation of said office.

On or before August 15 of each year, the Sheriff shall file with the governing body of the County a detailed estimate, in such form as that body may prescribe, showing by items the anticipated financial requirements for the operation of said office during the ensuing fiscal year. The governing body of the County shall adopt its budget not later than the first regular meeting in October of each year and the budget so adopted

shall make such provision with respect to the financial operation of the office of the Sheriff as the County governing body may determine reasonable and proper.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA

MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on June 12, 19, 26 and 30, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 30 day of June, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

By Messrs. Lutz and Riddick (With Notice and Proof):

H. 1029. To authorize the Madison County Commission to provide for the relief of Sara Hall Gibson.

Local Legislation No. 4.

Notice and Proof H. 1029:

STATE OF ALABAMA COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

A BILL TO BE ENTITLED AN ACT

To authorize the Madison County Commission to provide for the relief of Sara Hall Gibson.

Be It Enacted by the Legislature of Alabama:

Section 1. The Madison County Commission is hereby authorized to pay to Sara Hall Gibson, a resident of Madison County, Alabama, the sum of One Thousand Five Hundred Dollars, (\$1,500.00), for injuries and damages she suffered on or about October 5, 1974, when a vehicle owned by Madison County and operated by its employee struck an automobile occupied by Sara Hall Gibson, and resulting in injuries or damages to her.

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Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on June 11, 18, 25 and 30, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 30 day of June, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

By Messrs. Gregg, Lutz, Riddick and Smith (B) (With Notice and Proof):

H. 1030. To change the compensation of the Chairman of the County Commission of Madison County, Alabama.

Local Legislation No. 4.

Notice and Proof H. 1030:

STATE OF ALABAMA
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

A BILL
TO BE ENTITLED
AN ACT

To change the compensation of the Chairman of the County Commission of Madison County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The Chairman of the County Commission of Madison County, Alabama shall receive as compensation a salary of Twenty Thousand One Hundred Thirty Dollars (\$20,130.00) per annum, which shall be payable in equal monthly installments by proper warrant drawn on the General Fund of the County.

Section 2. Commencing with the next term of said officer, said officer shall receive as compensation a salary of Twenty-four Thousand Dollars (\$24,000.00) per annum, which shall be payable in equal monthly installments by proper warrant drawn on the General Fund of the County.

Section 3. Any expense allowance or other entitlement allowed by law to be paid to said officer herein named prior to the passage of this act shall continue to be paid said officer.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on June 12, 19, 26 and 30, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 30 day of June, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

By Messrs. Lutz, Smith (B) and Gregg (With Notice and Proof):

H. 1031. To change the compensation of the Probate Judge of Madison County, Alabama.

Local Legislation No. 4.

Notice and Proof H. 1031:

STATE OF ALABAMA
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

A BILL
TO BE ENTITLED
AN ACT

To change the compensation of the Probate Judge of Madison County, Alabama.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The Probate Judge of Madison County, Alabama shall receive as compensation a salary of Twenty Thousand One Hundred Thirty Dollars (\$20,130.00) per annum, which shall be payable in equal monthly installments by proper warrant drawn on the General Fund of the County.

SECTION 2. Commencing with the next term of said officer, said officer shall receive as compensation a salary of Twenty-four Thousand Dollars (\$24,000.00) per annum, which shall be payable in equal monthly installments by proper warrant drawn on the General Fund of the County.

SECTION 3. Any expense allowance or other entitlement allowed by law to be paid to said officer herein named prior to the passage of this act shall continue to be paid said officer.

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SECTION 4. All laws or parts of laws which conflict with this act are repealed.

SECTION 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on June 12, 19, 26 and 30, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 30 day of June, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

By Messrs. Lutz, Riddick and Smith (B) (With Notice and Proof):

H. 1032. To change the court fees assessed in civil cases in the Circuit Court and General Sessions Court of Madison County, Alabama, and in cases in the Probate Court of Madison County, Alabama, and to require the payment of court fees in civil cases and cases in the Probate Court when same are filed with said courts.

Local Legislation No. 4.

Notice and Proof H. 1032:

STATE OF ALABAMA
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

A BILL
TO BE ENTITLED
AN ACT

To change the court fees assessed in civil cases in the Circuit Court and General Sessions Court of Madison County, Alabama, and in cases in the Probate Court of Madison County, Alabama, and to require the payment of court fees in civil cases and cases in the Probate Court when same are filed with said courts:

Be It Enacted by the Legislature of Alabama:

Section 1. Purpose. It is the purpose of this legislation to provide for the assessment of more equitable fees in the General Sessions Court, Circuit Court and Probate Court of Madison County, Alabama, and to provide for the prepayment of same in said courts.

Section 2. Definitions. As used in this Act the following words and terms shall have the meanings herein ascribed to them: "the county" means Madison County, Alabama; "fee" means and includes

cost, tax, commission or charge, or any combination thereof as may be appropriate; "person" includes any natural person, corporation, firm, association or other entity; "sheriff" means the Sheriff of Madison County, Alabama; "clerk" means the Clerk of the General Sessions Court of Madison County, Alabama, and-or the Circuit Court of Madison County, Alabama, as may be appropriate; "judge" (unless otherwise stated) means the Judge of the Probate court of Madison County, Alabama; "the courts of Madison County" means the Circuit Court of Madison County, Alabama, the General Sessions Court of Madison County, Alabama, and the Probate Court of Madison County, Alabama.

Section 3. (a) Except as provided in Section 10 of this Act, the General Sessions Court of Madison County, Alabama, shall charge a fee of \$23.50 for each civil case filed in said court and said fee shall be paid by the party instituting the action at the time said action is filed. Said fee shall include:

Law Library Tax—County	\$.50
Fair Trial Tax—State	\$ 2.00
Court Fee—County	\$21.00

(b) In addition to the above charge, an additional charge shall be made for any of the following, which charge shall be paid by the party instituting said action at the time said action is instituted:

- (1) Garnishment, court fee — county, \$9.00;
- (2) Attachment (including writs of seizure in detinue), court fee — county, \$9.00;
- (3) All other post-judgment processes which require service by the sheriff, including but not limited to discovery, oral examinations, motions for orders, court fee — county, \$3.00 for each person on whom service is necessary.

Section 4. (a) Except as provided in Section 10 of this Act, the Circuit Court of Madison County, Alabama, shall charge a fee, as hereinafter provided in this section, for all civil actions filed in said court and said fee shall be paid by the party instituting said action at the time same is filed.

- (1) Answer and waiver divorce, \$23.00, which includes:

Trial Tax—State	\$ 1.50
Trial Tax—County	\$ 1.50
Fair Trial Tax—State	\$ 2.00
Law Library Tax—County	\$ 1.00
Court Fee—County	\$17.00

- (2) All other divorce actions, \$36.00, which includes:

Trial Tax—State	\$ 1.50
Trial Tax—County	\$ 1.50
Fair Trial Tax—State	\$ 2.00
Law Library Tax—County	\$ 1.00
Court Fee—County	\$30.00

- (3) Any petition for contempt or modification of an existing divorce decree, court fee—county, \$30.00.

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(4) Any action seeking sale for division of property, administration of estates and condemnation actions, \$36.00, which includes:

Law Library Tax—County	\$ 1.00
Trial Tax—County	\$ 1.50
Trial Tax—State	\$ 1.50
Fair Trial Tax—State	\$ 2.00
Court Fee—County	\$30.00

(5) Any other civil action, \$36.00, which includes:

Trial Tax—State	\$ 1.50
Trial Tax—County	\$ 1.50
Fair Trial Tax—State	\$ 2.00
Law Library Tax County	\$ 1.00
Court Fee—County	\$30.00

(6) In addition to the above fees there shall be charged:

A. Commissions on sales as follows: For the first three hundred dollars, two percent; for all over three hundred dollars, and not exceeding two thousand dollars, one and one-half percent; for all over two thousand dollars and not exceeding twenty thousand dollars, one percent; for all over twenty thousand dollars, one-fourth of one percent.

B. For receiving, keeping and paying out or distributing money paid into the court pursuant to Interpleader actions, actions in the nature of Interpleader, or condemnation actions transferred to the Circuit Court pursuant to Title 19, Section 27, Code of Alabama, 1940: For the first one thousand dollars, one and one-half percent; on all over one thousand dollars and not over five thousand dollars, one percent; on all over five thousand dollars, not exceeding ten thousand dollars, one-half of one percent; all over ten thousand dollars, one-fourth of one percent.

C. For receiving, keeping and paying out money paid into court for alimony or child support: on the first one hundred dollars, five percent; on all over one hundred dollars, one and one-half percent.

D. For receiving, keeping and paying out money paid into court under a decree in favor of an administration ad litem: one-half of one percent on the amount so received and paid out.

The fees as prescribed in Sectin 4(a) (6) shall be withheld from the proceeds paid through the court or as otherwise ordered by the court and shall be the property of the county and shall be paid into the General Fund of the county as provided by Section 11 of this Act.

(b) The fee as hereinabove provided shall not include service by the sheriff of said county on more than four (4) persons. An additional fee of \$3.00 shall be paid for each additional person upon whom service by the sheriff is necessary.

(c) There shall be charged a fee as hereinafter provided for the following actions, which shall be paid by the party instituting said action at the time same is instituted:

- (1) Garnishment, court fee—county, \$9.00;
- (2) Attachment, court fee—county, \$9.00;

(3) Any other post-judgment process which requires service by the sheriff of the county, court fee—county, \$3.00 for each person on whom service is necessary.

(d) In any civil action where a court reporter is utilized there shall be a fee of \$15.00 per day for said service which shall be paid at the conclusion of the case by the party assessed by the court with same.

Section 5. (a) Except as provided in Section 10 of this Act, the Probate Court of Madison County, Alabama, shall charge a fee as hereinafter provided in this section for all actions filed in said court and said fee shall be paid by the party instituting said action at the time same is filed with the court.

(1) Probate of wills and granting letters testamentary, \$35.00, which includes:

Court Fee—County	\$20.00
Mental Health Fund	\$10.00
Workman's Compensation Fund	\$ 5.00

(2) Will contest, court fee—county, \$15.00.

(3) Granting letters of administration, \$20.00, which includes:

Court Fee—County	\$10.00
Mental Health Fund	\$ 5.00
Workman's Compensation Fund	\$ 5.00

(4) Granting letters of guardianship, \$20.00, which includes:

Court Fee—County	\$10.00
Mental Health Fund	\$ 5.00
Workman's Compensation Fund	\$ 5.00

(5) Legitimation proceeding (each child), \$15.00, which includes:

Court Fee—County	\$ 4.00
Mental Health Fund	\$ 1.00
Workman's Compensation Fund	\$10.00

(6) Proceeding to change name, \$17.00, which includes:

Court Fee—County	\$ 5.00
Mental Health Fund	\$ 2.00
Workman's Compensation Fund	\$10.00

(7) Adoption proceeding, \$35.00, which includes:

Court Fee—County	\$ 5.00
Mental Health Fund	\$ 5.00
Workman's Compensation Fund	\$25.00

(8) Eminent domain or condemnation proceedings, \$28.00, which includes:

Court Fee—County	\$20.00
Mental Health Fund	\$ 8.00

(9) Proceeding to have persons declared of unsound mind, \$20.00, which includes:

Court Fee—County	\$15.00
Mental Health Fund	\$ 5.00

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(10) Proceeding appointing legal representative, \$20.00, which includes:

Court Fee—County	\$15.00
Mental Health Fund	\$ 5.00

(11) Proceeding to set aside homestead exemption, \$25.00, which includes:

Court Fee—County	\$20.00
Mental Health Fund	\$ 5.00

(12) Proceeding to set aside dower, \$15.00, which includes:

Court Fee—County	\$10.00
Mental Health Fund	\$ 5.00

(13) Consent settlement of estates, \$10.00, which includes:

Court Fee—County	\$ 5.00
Mental Health Fund	\$ 5.00

(14) Consent settlement of estates (guardians), \$5.00, which includes:

Court Fee—County	\$ 3.00
Mental Health Fund	\$ 2.00

(15) Partial or final settlement of guardianship, other than consent, \$20.00, which includes:

Court Fee—County	\$12.00
Mental Health Fund	\$ 3.00
Workman's Compensation Fund	\$ 5.00

(16) Partial or final settlement of administrators and executors, other than consent, \$20.00, which includes:

Court Fee—County	\$12.00
Mental Health Fund	\$ 3.00
Workman's Compensation Fund	\$ 5.00

(17) Restoration of sanity hearing, \$5.00, which includes:

Court Fee—County	\$ 3.00
Mental Health Fund	\$ 2.00

(18) Establishing facts of birth, \$10.00, which includes:

Court Fee—County	\$ 6.00
Mental Health Fund	\$ 4.00

(19) Additional bonds, filing and recording, \$5.00, which includes:

Court Fee—County	\$ 2.00
Mental Health Fund	\$ 3.00

(20) Proceedings to correct marriage record, \$5.00, which includes:

Court Fee—County	\$ 3.00
Mental Health Fund	\$ 2.00

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(21) sale of real estate and personal property to pay debts or for division, \$20.00, which includes:

Court Fee—County	\$15.00
Mental Health Fund	\$ 5.00

(22) Presiding in contested cause, per day, court fee—county, \$15.00.

(23) Sale of land of minors and insane persons for distribution among joint owners, \$15.00, which includes:

Court Fee—County	\$10.00
Mental Health Fund	\$ 5.00

(24) Certifying abstract, in lieu of fees for transcript, court fee—county, \$5.00.

(25) Inventory, \$5.00, which includes:

Court Fee—County	\$ 3.00
Mental Health Fund	\$ 2.00

(26) Appraisement proceeding, \$7.00, which includes:

Court Fee—County	\$ 4.00
Mental Health Fund	\$ 3.00

(27) Marriage licenses, \$6.00, which includes:

Workman's Compensation Fund	\$ 5.00
Mental Health Fund	\$ 1.00

(28) Celebrating rites of matrimony, Workman's Compensation Fund, \$5.00.

(29) Redemption of land from tax sale, where land sold to one other than the State, Workman's Compensation Fund, \$20.00.

(30) Redemption of land from tax sale, where land sold to State, court fee—county, \$20.00.

(31) Proceeding appointing notary public, \$11.00, which includes:

Mental Health Fund	\$ 1.00
Workman's Compensation Fund	\$10.00

(32) Issuing tax deed, court fee—county, \$5.00.

(b) (1) Except as provided in the preceding section of this Act the judge will charge a fee of One (\$1.00) Dollar for filing for record or for recording each and every instrument, paper, writing, document, or decree in her office, including but not limited to, each financing statement, deed, contract, mortgage of real or personal property, mechanic's lien, lis pendens, certificate of judgment, lease, assignment, bill of sale, restrictions, deed of trust, affidavit, marriage license, official bond, capias and certificate or charter to a private corporation.

(2) In addition to the fee to be collected by the judge as set forth in the preceding section of this Act, the Madison County Commission may impose an additional fee not to exceed Two (\$2.00) Dollars for filing for record every contract, deed, real estate mortgage, plat, marriage license, official bond, or charter to a private corporation. Under no circumstances may the total fee impose hereunder exceed Three (\$3.00) Dollars.

(3) By the tenth (10) of the month following collection all funds so collected shall be paid by the judge into the treasury of Madison County and kept in a fund to be designated the Mental Health Fund. Expenditures from said fund shall be for the benefit and furtherance of the mental health program in Madison County, Alabama. The Chairman of the Madison County Commission or like official shall have the power to act for the Madison County Commission or like governing body in the withdrawal and payment of monies from the Mental Health Fund.

(c) The fee as hereinabove provided shall not include service by the sheriff of said county on more than four (4) persons. An additional fee of \$3.00 shall be paid for each additional person on whom service by the sheriff is necessary.

Section 6. In the courts of Madison County, in addition to any of the above fees, where notice or service by publication or registered or certified mail is required by law or where any party requests service or notice by publication or by registered or certified mail, the actual cost of same shall be paid to the courts at the time the notice required or the request is made.

Section 7. In the courts of Madison County the fee and mileage for one day's attendance for witnesses as prescribed by law shall be paid to the clerk or judge of said courts at the time a request is made by any party to have a subpoena issued and served on any person by the sheriff. In the event service is had on a witness by an individual other than the sheriff as prescribed by the Alabama Rules of Civil Procedure, the fee and mileage for one day's attendance shall be served on the witness at the same time as the subpoena. Any additional fee and-or mileage due a witness shall be charged to the party assessed with payment of same by the court.

Section 8. In the courts of Madison County the fee as may be assessed by the courts or otherwise required by law for commissioners fees, appraisers fees, guardian ad litem fees, medical or hospital record fees, or the like shall be charged to the party assessed with payment of same by the court.

Section 9. (a) In the courts of Madison County subpoenas requiring the attendance of witnesses in any civil, criminal, or other case or proceeding, or before the grand jury, may be served by the sheriff personally or by leaving a copy thereof at the place of residence of the witness or in the discretion of the said sheriff, the sheriff may serve the same by placing a copy thereof in the United States mail, enclosing the subpoena in an envelope properly stamped and addressed to the person or witness to be served. Upon service by the sheriff upon any witness or person by any one of the foregoing methods, the sheriff shall immediately mark the process executed in the manner so served. If the subpoena so mailed is not delivered to the addressee but is returned to the sheriff by the United States post office department, then the sheriff shall immediately make a diligent effort to serve the subpoena either personally or by leaving a copy thereof at the place of residence of the witness.

(b) Anything to the contrary notwithstanding in Section 9(a) above, any judge of any of the courts of Madison County having jurisdiction of the proceeding or case may, on motion of any party or on the court's own motion, order any particular subpoena or the subpoenas in any case or proceeding to be served personally or by leaving a copy thereof at the place of residence of the said witness or person or by United States registered or certified mail.

Section 10. (a) The courts of Madison County may authorize the commencement, prosecution or defense of any civil action or proceeding without prepayment of said fees by a person who makes affidavit that he or she is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense, appeal, or proceeding, and affiant's belief that he or she is entitled to redress.

(b) An appeal may not be taken in forma pauperis if the trial court or probate court certifies in writing that it is not taken in good faith.

(c) The officers of the court and of Madison County shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases. Judgment may be rendered for fees at the conclusion of the suit, action, or proceeding as in other cases.

Section 11. By the tenth (10) of the month following the collection of all funds collection by virtue of this Act, the clerk or judge of said court shall pay into the General Fund of Madison County any fee or part thereof designated above as a county fee by use of the word "county" thereafter, except that all funds collected and designated by this Act as county Law Library Tax shall be paid into Madison County's Law Library Fund. In the same manner as prescribed above the clerk or judge of said court shall pay into the state treasury any fee or portion of any fee belonging to the State of Alabama which is referred to above by the use of the word "state" after said fee. The Judge of the Probate Court shall pay in the same manner into Madison County's Mental Health Fund or Workman's Compensation Fund such amounts as are collected for such funds from fees as provided by this Act.

Section 12. The courts of Madison County shall continue to charge any filing or recording fee or any other fee provided by law for matters not covered by this Act.

Section 13. The provisions of this Act are severable. If any section or provision of this Act is declared to be unconstitutional or invalid such declaration shall not affect the constitutionality or validity of the remaining portions of this Act.

Section 14. All laws or parts of laws which conflict with this Act are repealed, but only insofar as said laws are in conflict and where any other part of any law may not be in conflict it shall not be repealed.

Section 15. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on June 11, 18, 25 and 30, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

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Sworn to before me this the 30 day of June, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

By Messrs. Lutz, Smith (B) and Gregg (With Notice and Proof):

H. 1033. To change the compensation of each member of the Madison County Board of Education.

Local Legislation No. 4.

Notice and Proof H. 1033:

STATE OF ALABAMA
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

A BILL
TO BE ENTITLED
AN ACT

To change the compensation of each member of the Madison County Board of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Madison County Board of Education shall receive as compensation a salary of Four Hundred Eighty Dollars (\$480.00) per annum, which shall be payable in equal monthly installments by proper warrant drawn on the General Fund of the County.

Section 2. Commencing with the next term of said officers, said officers shall receive as compensation a salary of One Thousand Two Hundred Dollars (\$1,200.00) per annum, which shall be payable in equal monthly installments by proper warrant drawn on the General Fund of the County.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on June 12, 19, 26 and 30, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 30 day of June, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

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By Messrs. Lutz, Smith (B) and Moore (W) (With Notice and Proof):

H. 1034. To provide in Madison County, Alabama, that the fee charged for issuing any license to a person to carry a pistol in a vehicle or concealed on or about his person pursuant to Section 177, Title 14, Code of Alabama, 1940, as last amended, shall be Five Dollars (\$5.00).

Local Legislation No. 4.

Notice and Proof H. 1034:

STATE OF ALABAMA
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

A BILL
TO BE ENTITLED
AN ACT

To provide in Madison County, Alabama, that the fee charged for issuing any license to a person to carry a pistol permit in a vehicle or concealed on or about his person pursuant to Section 177, Title 14, Code of Alabama, 1940, as last amended, shall be Five Dollars (\$5.00).

Be It Enacted by the Legislature of Alabama:

SECTION 1. The Sheriff of Madison County, Alabama, shall charge a fee of Five Dollars (\$5.00) for issuing a license pursuant to Section 177, Title 14, Code of Alabama, 1940, as last amended, to any person to carry a pistol in a vehicle or concealed on or about his person.

SECTION 2. Said fee shall be collected by the Sheriff at the time the application for such a license is presented to him and said fee shall be paid into the General Fund of Madison County on or before the 10th of the month following collection of same.

SECTION 3. All laws or parts of laws which conflict with this act are repealed.

SECTION 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on June 13, 20, 27 and 30, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 30 day of June, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

By Mr. Lutz:

H. 1035. To establish in the Alabama State Board of Health a program for the care of persons suffering from chronic renal diseases, designating powers and duties in relation thereto, and making an appropriation therefor.

Ways and Means.

By Mr. Lutz:

H. 1036. To provide for a voluntary anatomical gift by executing a statement on state drivers' licenses and to require that a statement be provided for, for such voluntary gifts, on the reverse side of all issued drivers' licenses.

Health.

By Messrs. Lutz, Riddick, Smith (B) and Gregg (With Notice and Proof):

H. 1037. To change the compensation of each member of the County Commission, except for the Chairman thereof, of Madison County, Alabama.

Local Legislation No. 4.

Notice and Proof H. 1037:

STATE OF ALABAMA
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

A BILL
TO BE ENTITLED
AN ACT

To change the compensation of each member of the County Commission, except for the Chairman thereof, of Madison County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the County Commission, except the Chairman thereof, of Madison County, Alabama, shall receive as compensation a salary of Twelve Thousand Two Hundred Dollars (\$12,200.00), per annum, which shall be payable in equal monthly installments by proper warrant drawn on the General Fund of the County.

Section 2. Commencing with the next term of said officers, said officers shall receive as compensation a salary of Sixteen Thousand Dollars (\$16,000.00) per annum, which shall be payable in equal monthly installments by proper warrant drawn on the General Fund of the County.

Section 3. Any expense allowance or other entitlement allowed by law to be paid to said officers herein named prior to the passage of this act shall continue to be paid said officers.

Section 4. All laws or parts of laws which conflict with this act are repealed.

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Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

**STATE OF ALABAMA
MADISON COUNTY**

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on June 12, 19, 26 and 30, 1975.

**IDA MAE ECHOLS,
Legal Advertising Manager.**

Sworn to before me this the 30 day of June, 1975.

**OPAL H. DILWORTH,
Notary Public.**

My commission expires April 9, 1979.

By Messrs. Gregg and Lutz (With Notice and Proof):

H. 1038. To change the compensation of the Tax Collector of Madison County, Alabama.

Local Legislation No. 4.

Notice and Proof H. 1038:

**STATE OF ALABAMA
COUNTY OF MADISON**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

**A BILL
TO BE ENTITLED
AN ACT**

To change the compensation of the Tax Collector of Madison County, Alabama.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The Tax Collector of Madison County, Alabama, shall receive as compensation a salary of Twenty Thousand One Hundred Thirty Dollars (\$20,130.00) per annum, which shall be payable in equal monthly installments by proper warrant drawn on the General Fund of the County.

SECTION 2. Any expense allowance or other entitlement allowed by law to be paid to said officer herein named prior to the passage of this act shall continue to be paid said officer.

SECTION 3. All laws or parts of laws which conflict with this act are repealed.

SECTION 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on June 12, 19, 26 and 30, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 30 day of June, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

By Messrs. Gregg and Lutz (With Notice and Proof):

H. 1039. To change the compensation of the Tax Assessor of Madison County, Alabama.

Local Legislation No. 4.

Notice and Proof H. 1039:

STATE OF ALABAMA
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

A BILL
TO BE ENTITLED
AN ACT

To change the compensation of the Tax Assessor of Madison County, Alabama.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The Tax Assessor of Madison County, Alabama, shall receive as compensation a salary of Twenty Thousand One Hundred Thirty Dollars (\$20,130.00) per annum, which shall be payable in equal monthly installments by proper warrant drawn on the General Fund of the County.

SECTION 2. Any expense allowance or other entitlement allowed by law to be paid to said officer herein named prior to the passage of this act shall continue to be paid said officer.

SECTION 3. All laws or parts of laws which conflict with this act are repealed.

SECTION 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me,

who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on June 12, 19, 26 and 30, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 30 day of June, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

By Messrs. Clark and Manley (With Notice and Proof):

H. 1040. To provide for and create the Greene County Racing Commission, for the regulating, licensing and supervision of Greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereto, and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

Local Legislation No. 1.

Notice and Proof H. 1040:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF GREENE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

A BILL TO BE ENTITLED AN ACT

To provide for and create the Greene County Racing Commission, for the regulating, licensing and supervision of Greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereto, and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Greene County Racing Commission is hereby created and established and is vested with the powers and duties specified in this act, and all other powers necessary and proper to enable it to execute fully and effectually the purposes of this act. The official name of said commission shall be The Greene County Racing Commission, the same being sometimes referred to herein as the Racing

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Commission or the Commission. Said Commission shall consist of three persons who shall be appointed by the Legislative delegation that represents Greene County in the House and in the Senate for the State of Alabama. Each such member shall hold office for a term of three years from the effective day of the appointment; provided, however, that the term of office for the original three commissioners shall expire on November 1, 1978. If a vacancy occurs for any reason, then that position shall be filled for the unexpired term and that commissioner shall be chosen in the same manner as other commissioners are appointed. All books, records, mpas, documents and papers shall constitute public records, and be available for copying, examination and inspection during all normal business hours by any agency, official or personal.

Section 2. The members of the Commission shall be qualified electors of Greene County and not less than twenty-one years of age, who shall have resided in the State of Alabama for a period of five years next preceding their appointment. Each commissioner shall take the same constitutional oath of office as other county officers, and shall give bond payable to the county in the amount of Five Thousand (\$5,000.00) Dollars, condition that he will faithfully and properly perform the duties of his office. The premiums on such bonds shall be paid by the commission. The commission may employ such assistance and employees as may be necessary who shall be paid out of funds deposited in the county treasury to the credit of the racing commission.

A member of the racing commission must not be an official member of any Board of Directors, or person financially interested in any race track or race meeting licensed by the commission, nor shall he race dogs in any race meeting licensed by the commission.

Section 3. The compensation of each member of the commission shall be One Thousand (\$1,000.00) Dollars per month. One member of said commission shall be required to be in attendance at each racing event. Each commissioner who attends a racing event while engaged in the performance of his duties or in traveling outside the county on the business of the commission shall receive an additional Thirty (\$30.00) Dollars per diem. The above sums shall be paid out of the funds in the county treasury deposited to the credit of the Greene County Racing Commission and shall be paid to the Commissioners in the same manner as the compensation of other county officers is paid.

Section 4. The County Treasurer of the county, if there be such an office and if there be no such office as County Treasurer, then the Greene County Commission, shall be empowered to appoint an individual to serve as ex-officio treasurer of the Racing Commission, and shall collect all the license fees, taxes, and monies provided in this Act, and shall supervise, check and audit the operation of the parimutuel wagering pools and the conduct and distribution thereof.

Section 5. The Racing Commission shall have the authority to employ legal counsel of its selection to advise the Commission and represent it in all proceedings. The compensation of such counsel shall be paid out of funds deposited in the county treasury to the credit of the Racing Commission.

Section 6. It shall be the duty of the County Racing Commission to carry out the provisions of this Act; and it shall have the following specific duties:

(1) To fix and set dates upon which race meetings may be held or operated.

(2) To make an annual report to the county commission of its operation, showing its own actions and rulings, and receipts derived under the provisions of this Act, and such suggestions as it may deem proper for the more effective accomplishment of the purpose of this Act.

(3) To require each applicant, who must have been a resident of the State of Alabama for at least five years immediately preceding the date the license is issued, to set forth on his application for a license to operate a race meeting the following information.

(a) The full name of the person, association, or corporation and if a corporation, the name of the State under which the same is incorporated, and the name of the corporation's agents for service or process within the State of Alabama.

(b) If an association or corporation, the names of the stockholders and directors of the corporation or the names of the officers and directors of the association.

(c) The exact location where it is desired to conduct or hold a race meeting and a complete set of architects' renderings and detailed construction plans, showing the site topography, the type of construction, the tract design and the concession plans, together with a statement of the assets and liabilities of the person, firm, association or corporation making such application.

(d) Whether the racing plant is owned or leased, and if leased, the name and address of the owner, or if the owner is a corporation, the names of the officers and directors thereof, each of whom shall have been a resident of the State of Alabama for at least five years immediately preceding the date on which the license is issued; provided, however, that nothing in this Act shall prevent any person, association, or corporation from applying to the commission for a permit to conduct races where the racing plant has not been constructed.

(e) The kind of racing to be conducted and the dates requested.

(f) Such other information as the commission may require.

(4) To require an oath of every applicant, or by the president or executive officer of the association or corporation, stating that the information contained in the application is true.

(5) To make uniform rules and regulations governing the holding, conducting, and operating of all race tracks, race meetings, and races held in the county.

(6) All books, records, maps, documents, and papers of the commission, including those filed with the commission as well as those prepared by or for it, shall at all times be open for the personal inspection of any officer of the State of Alabama, or of any county, municipality, or other subdivision of the State, or of any official investigative body or committee, and no person having charge or custody thereof shall refuse this right to any officer of investigative body or committee, and it shall be the excess duty of such person to assist such officer or committee in locating records or information desired by them. Any member or employee of the commission who violates the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than One Hundred (\$100.00) Dollars or imprisoned in the county jail not exceeding three months. If any member of the commission violates the provisions of this section, he shall be subject to removal from office.

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Section 7. Any person, association, or corporation desiring to operate a race track in the county shall have the right, subject to the provisions of this Act, to hold and conduct one or more race meetings at such track each year, provided, that no such license shall be granted to any persons, association, or corporation, or to any track, for a period longer than two hundred fifty (250) racing days in any one year. Any and all applicants for license to operate under this Act shall have been residents of the State of Alabama for at least five years immediately preceding the date on which such license is issued.

Section 8. No race or racing shall be permitted on Sunday. No person under eighteen years of age shall be employed in any manner about said race track except as exercise boys and grooms; nor shall persons under eighteen years of age be permitted to attend any race.

Section 9. On or before the first day of December of each year, any person, association, or corporation possessing the qualifications prescribed in this Act shall have the right to apply to the Racing Commission for a permit or license to conduct race meetings and racing under this Act. On or before the first day of January of each year, after the receipt of any such application, the commission shall convene to consider and act upon all permit or all licenses applied for. Approved permits or licenses shall be granted for a period of one year from the date of issuance and shall set forth, in addition to any other information prescribed by the Commission, the name of the licensee, the location of the race track, the duration of the race meeting and the kind of racing desired to be conducted and shall show the receipt by the Commission of the license fee set by the Commission, the setting of which is hereby authorized, provided, however, said license fee shall not exceed One Thousand (\$1,000.00) Dollars. No such license shall be transfereable, nor shall it apply to any other place, track, or enclosure except the one specified in this license.

(1) The Commission shall not issue any licenses which would permit any two race tracks in the County to operate on the same racing days. Further, after the first license has been issued to the licensee, all subsequent annaul applicaions for a license by a permit holder shall be accompanied by proof (in such form as the Commission may require) that said licensee still possesses the qualifications set out in this Act. Such applications for renewal of license shall not be denied except for due cause.

(2) Seventy-five percent (75 percent) of the employees of said track or tracks must be bond fide resident citizens of Greene County, Alabama.

Section 10. The commission may suspend or revoke the license of any licensee conducting a race meeting, upon the willful violation of any of the provisions of the Act, or any rule or regulation promulgated by the Commission or may invoke a fine not to exceed One Thousand (\$1,000.00) Dollars per offense in lieu thereof. It is unlawful for any member of said Racing Commission, or any licensee under this chapter, directly or indirectly, to make any contribution whatsoever to any political party or to any candidate for any State, County or Municipal office, and upon proof being presented of any such prohibited contribution having been made by any licensee, the Commission shall immediately and permanently revoke the license of such licensee. If any member of said Racing Commission violates the provisions of this section, such member shall be subject to removal from office. No disciplinary action may be taken hereunder until the licensee has been presented with notice in writing specifying the time and place of a disciplinary hearing, said notice setting out in substance the nature of

the accusation, and inviting the licensee to appear, with or without counsel, as the licensee may decide, the licensee being afforded an opportunity to face and examine his accusers, call witnesses, and testify if he chooses.

Section 11. The commission is empowered to compel the production of any and all books, memoranda, or documents showing the receipts and disbursements of any person, association or corporation licensed to conduct race meetings under the provisions of this Act. The commission may at any time required the removal of any employee or official employed by any licensee hereunder whenever it has reason to believe that such employee or official is guilty of any improper practice in connection with racing, has failed to comply with any condition of the license, or has violated any rule adopted by the commission. The commission shall have the power to require that the books and financial or other statements of any licensee be kept in a manner and method provided by the commission; and the commission shall be authorized to visit, investigate, and place auditors and inspectors in the office, tracks, or place of business of any persons, association or corporation licensed under this Act. The commission shall have power to summon witnesses before its meetings; to administer oaths to such witnesses, and to require testimony on any issued before it. Any person failing to appear before said commission, or failing to produce books, records, and documents ordered, or refusing to testify thereon, shall be deemed guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction, shall be punished by a fine or not more than Five Hundred (\$500.00) Dollars, or by imprisonment not to exceed six months, or by both fine and imprisonment in the discretion of the Court.

Section 12. The commission shall have the power to grant, refuse, suspend, or withdraw license to all persons connected with race tracts, including gate keepers, announcers, ushers, starters, officials, drivers, dog owners, agents, trainers, grooms, stable foremen, exercise boys, veterinarians, valets, sellers of racing forms or bulletins, and attendants in connection with the wagering machines, pursuant to such rules and regulations as the commission may adopt and upon the payment of a license fee as fixed and determined by the commission in accordance with the position and compensation of such person. Any license may be revoked by the commission, at its discretion, and any person whose license is revoked shall be ineligible to participate in such occupation connected with racing unless the license is returned by the commission with permission to operate thereunder. The commission may deny or revoke a license to any person who has been refused or denied a license by any other state racing commission or racing authority.

Section 13. The commission shall make rules governing, permitting, and regulating the wagering on dog races under the form or mutual wagering by patrons known as "Pari Mutuel Wagering", which method shall be legal to the extent that and so long as, the same is carried on and conducted strictly in conformity with this Act, and not otherwise. Only the persons, associations or corporations receiving a license from the commission shall have the right or privilege to conduct this type of wagering and the licenses shall restrict and confine this form of wagering to a space within the race meeting grounds. All other forms of wagering on the result of dog races shall continue to be illegal, and any or all wagering outside of the enclosure of such races, where such races shall have been licensed by the commission shall be illegal.

No person or corporation shall directly or indirectly purchase pari-mutuel tickets or participate in the purchase of any part of a pari-mutuel pool for another for hire or for any gratuity and no person

shall purchase any part of a pari-mutuel pool through another, wherein he gives or pays directly or indirectly such other person anything of value. Any person violating this section shall be deemed guilty of a misdemeanor, and, upon conviction in a court of competent jurisdiction, shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars, or by imprisonment not to exceed six months, or both fine and imprisonment in the discretion of the Court.

In addition to other rules and regulations that may be promulgated by the Racing Commission the following shall be complied with by the licensee or operator of the race plant and employees thereof.

(a) A duly licensed Veterinarian shall be on the grounds at weighing time and make examination of the physical condition of each greyhound, and any dog not considered to be in good physical condition, shall be reported to the presiding official.

(b) An adequate security force shall be employed as prescribed by the Racing Commission. Members of security force shall have the same powers as other law enforcement officers of the county while performing their duties on the premises of the race track.

(c) Public liability insurance shall be carried by the licensee or operator in an amount and with a company approved by the Racing Commission.

(d) All racing events shall be concluded by midnight.

(e) A pari-mutuel ticket shall not be sold to an individual who is visibly inebriated.

Section 14. Every licensee conducting race meetings under the provisions of this Act, shall pay to the Ex-Officio Treasurer of the Racing Commission for the use of the Commission, a tax in an amount equal to four (4) percent of the total contributions to all pari-mutuel pools conducted or made on any race track licensed under this Act. The Commission of a licensee on a parimutuel pool shall in no event exceed eighteen percent (18 percent) of the amount contributed to said parimutuel pool, which amount, shall include the four percent (4 percent) tax heretofore provided. After the deduction of the four percent (4 percent) for the use of the commission and the percentage commission of the licensee, the remainder of the total contributions to each pool shall be divided among and redistributed to the contributors to such pools betting on the winning dog. The amount of each redistribution for each winning bet placed shall be determined by dividing the total amount remaining in the pool after the deductions hereinabove provided for by the number of bets placed on the winning dog. Each redistribution shall be made in a sum equal to the next lowest multiple of ten. The licensee is entitled to retain the odd cents of all redistributions to be known as the "breaks to a dime", and all monies represented by any unclaimed, uncashed, or abandoned pari-mutuel tickets know as "outs" money. Under the parimutuel system of wagering herein provided, the licensee shall be permitted to provide separate pools for bets to win, place and show and also a daily double pool, a quiniela pool and a double quiniela pool. Each pool shall be redistributed separately as herein provided. Should there be no ticket bet on the winning dog, the entire pool will be divided among the holders of tickets on the dog running next in line until the pool has been redistributed to the contributors. The licensee shall be required to use a totalizator machine to record the wagering and compute the odds. Rules and regulations governing the operating of each of the pools shall be set out in book form by the Racing Commission. The licensee shall collect from each person attending the race meetings

under the provision of this Act fifteen percent (15 percent) of the established admission price or ten cents, whichever sum is greater, as an admission tax. Licensees shall make payment of such taxes to the ex-officio treasurer of the Racing Commission every seventh calendar day of any and every race meeting, which payment shall be accompanied by a report on the races covered by such report and such other information as the commission may require.

Section 15. If any free passes or complimentary cards shall be issued to guests by any licensee, such licensee shall nevertheless be responsible for payment of the admission tax upon such complimentary admission cards or passes as though they had been sold at regular admission price. However, nothing herein contained shall be construed to prohibit the issuance of tax-free passes to officials and actual employees of the licensee, or other persons actually engaged in working at such track, including persons actually employed and accredited by the press or other news service; provided, that the issuance of all such tax-free passes shall be governed by the regulations and orders of the commission and a list of all such officers, employees, and news service representatives shall be filed with the commission.

Section 16. The license fees, commissions, and excise taxes imposed herein shall be in lieu of all license, excise, and occupational taxes to the State of Alabama, or any county, city, town, or other political subdivision thereof.

Section 17. All fees, commission, taxes, and other monies, including fines, and forfeitures, received under the provisions of this act shall be paid to the treasurer of Greene County, and deposited by said treasurer in the county treasury to the account of the Greene County Racing Commission. All such monies remaining after payment of expenses incurred in the administration of this act, including the payment of the salaries and expenses of the members and employees of this commission shall be distributed on an annual basis as follows:

(a) Five percent (5 percent) to the Greene County Hospital Board.

(b) Twenty-five percent (25 percent) of the monies shall be appropriated to the municipalities of Greene County on a per capita basis according to the most recent population figures used by the federal government for the purpose of revenue sharing, or if these figures are not available, the population figures according to the last federal census shall be used.

(c) Thirty percent (30 percent) of the monies shall be appropriated to the Greene County Board of Education.

(d) Forty percent (40 percent) of the monies shall be appropriated to the general fund of Greene County to be allocated and spent in the following prescribed manner.

(1) Fifty percent (50 percent) of this amount shall remain unearmarked and may spent in any manner, provided by law, for the benefit of the citizens of Greene County, by the county governing body thereof.

(2) Ten percent (10 percent) to be used by the county governing body to up-grade law enforcement in the county.

(3) Ten percent (10 percent) for the establishment and maintenance of a county ambulance service and other health needs.

(4) Ten percent (10 percent) for the establishment and maintenance of day care centers within the county.

(5) Six percent (6 percent) to be used by the county governing body to promote economic development within Greene County.

(6) Four percent (4 percent) to be appropriated to the Greene County Health Department.

(7) Four percent (4 percent) to be used by the county governing body for parks and recreation within Greene County.

(8) Two percent (2 percent) to be appropriated to the Greene County Library Association for the upgrading of the library system.

(9) Two percent (2 percent) to be appropriated to West Alabama Mental Health Center, Inc., to be used for mental health services within Greene County.

(10) One percent (1 percent) to be appropriated to the Greene County Historical Society for their use in restoring and preserving historic sites and buildings in the county.

(11) One percent (1 percent) to be appropriated to the Greene County Housing Authority.

Section 18. Any corporation, association, or person who directly or indirectly holds any greyhound race without having procured a license as prescribed in this act, shall be guilty of a misdemeanor. Any person wagering upon the results of such a race, except in the parimutuel or mutuel method of wagering when the same is conducted by a licensee and upon the grounds or enclosure of said licensee, shall be guilty of a misdemeanor. Any corporation, organization, association, or person who violates any provision of this act, for which a penalty is not expressly provided shall be guilty of a misdemeanor. Upon conviction of any of the above misdemeanors in a court of competent jurisdiction, the penalty shall be a fine of not less than One Hundred (\$100.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars, or by imprisonment of not less than five days nor more than six months, or both, such fine and imprisonment to be in the discretion of the court.

Section 19. No person who engages in the practice of professional gambling on greyhound races, or in the practice of making gambling or wagering books on such races, or who knowingly takes any part in such practices, shall be eligible as an applicant for any license or permit to operate a race track or a race meeting under the provisions of this act, or to be connected therewith in any capacity and any association or corporation which as an officer, director, stockholder, executive, or employees any person who engages in such practices shall likewise be ineligible as a licensee, and the commission is hereby empowered to inquire into such matters in entertaining any such applications and otherwise in administering this act.

Section 20. Any person who shall influence or have any understanding or connivance with any owner, groom, or other person, associated with or interested in any kennel, greyhound participates, to prearrange or predetermine the results of any such race, or any person who shall stimulate or depress a greyhound for the purpose of affecting the results of a race, shall be guilty of a felony and upon conviction thereof, shall be imprisoned in the state prison for not less than one year nor more than ten years, or shall be fined not less than One Thousand (\$1,000.00) Dollars nor more than Five Thousand (\$5,000.00) Dollars or both, in the discretion of the court.

Section 21. It shall be unlawful for any person to transmit or communicate to another by any means whatsoever the results, changing odds, track conditions, or any other information relating to any greyhound race from any race track in this county, between the period of time beginning one hour prior to the first race of the day and ending thirty minutes after the posting of the official results of each race, as to that particular race, except that this period may be reduced to permit the transmitting of the results of the last race each day not sooner than fifteen minutes after the official posting of such results. Provided, however, that the commission may, by rule, permit the immediate transmission by radio, television, or press wire of any pertinent information concerning feature races.

It shall be unlawful for any person to transmit by any means whatsoever racing information to any other person, or to relay the same to any other person by work of mouth, by signal, or by use of telephone, telegraph, radio, or any other means, when information is knowingly used or intended to be used for illegal gambling purposes, or in furtherance of such gambling purposes.

Any person violating the provision of this section shall be guilty of a felony and, upon conviction, shall be imprisoned in the state penitentiary for not less than one year nor more than ten years, or shall be fined not less than One Thousand (\$1,000.00) Dollars nor more than Five Thousand (\$5,000.00) Dollars or both, in the discretion of the court.

Section 22. The racing commission shall extend said limitations of time for greyhound racing not to exceed two (2) days at any one track beyond the period otherwise provided by law so that any such track shall conduct a charity day or days of racing for any one or more recognized charities in Greene County which has a tax exempt status as provided for under the Internal Revenue Code. The total of all profits derived from the operation of such racing on such charity days including all monies which would otherwise be received by the Racing Commission as taxes for such day's operations shall be and become a part of the charity trust fund for which such racing on such days is conducted. The charity trust fund shall be administered as directed by the Racing Commission.

In determining profits derived from such racing on such charity days, which profits shall include all taxes payable to the county or any agency thereof for such days' operations. Said tracks shall only be entitled to deduct from the profits accruing from all receipts on such charity days of racing their actual operating costs, which costs shall be those expenses incurred by the race track solely by reason of holding said charity days of racing and shall not be deemed to include such expenses constant from day to day and which would have been incurred had the race on that day not been held, including, but not limited to, such items as capital expenditures, interest on debts, real estate taxes and annual license fee, donations, bad debts, and such other items of daily prorated expense as the racing Commission may by rule prescribe.

Section 23. It is the intent of this act to improve the economic well being of the citizens of Greene County, by providing an increased tax base, jobs for the citizens herein, and promotion of tourism and recreation in Greene County. It is further the intent of this act to provide for strict local control of the racing plant or plants and the operation of said plants by Greene County citizens so as to minimize the possibility of undesirable gambling elements from ever controlling this industry.

REGULAR SESSION
12th Day

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Section 24. The county governing body of Greene County shall call and provide for holding a referendum for the purpose of determining if this act shall become operative. The referendum shall be held not less than thirty (30) days, nor more than sixty (60) days after the effective date of this Act, and shall be advertised, held, conducted, and the results thereof canvassed in the manner provided by law for advertising, holding, and canvassing county bond elections. The question to be voted on shall be stated on the ballots or voting machine tabs sustantially as follows:

"Do you favor the creation of the Greene County Racing Commission to regulate licensing and supervision of greyhound racing and wagering thereon as provided in Act No. _____ approved _____, 1975?"

If the majority of the votes cast in the referendum as "Yes", greyhound racing shall be legal in Greene County and this act shall become operative therein; if the majority of the votes cast in the election are "No" this act shall have no further effect. The Probate Judge of Greene County shall certify the results of the referendum to the Secretary of State of Alabama within thirty (30) days after the election returns are canvassed.

Section 25. If any provision, paragraph or part of this act shall be declared invalid, unconstitutional, or void, the balance of said act shall remain in full force and effect.

Section 26. All laws or parts of laws in conflict with this act are repealed.

Section 27. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF GREENE

Before me, the undersigned authority in and for said County in said State, this day personally appeared David Poynor, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Greene County Democrat, a newspaper of general circulation published in Greene County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 5, June 12, June 19, and June 26, all in the year 1975.

DAVID POYNOR.

Sworn to and subscribed before me July 7, 1975.

HAL W. BLOOM, JR.,
Notary Public.

By Messrs. Warren, Hines, Sandusky, Malone, Carter, Morris, Owens, McCorquodale, Holmes, Lewis, Callahan, McCulley, Kinsey and McMillan:

H. 1041. To provide that law enforcement officers employed by the Department of Conservation and Natural Resources may retain their badges, pistols and certain other equipment upon retirement.

Conservation.

By Messrs. Kinsey, McMillan, Folmar, Venable, Cates, Crowe, Sandusky, Plaster, Lewis, Wyatt, Barron, Warren, McCulley, Naramore, LeFlore, Cooper, Glass, Manley, White, Morris, Roberts, Smith (M), Cross, Kelley, Brindley and Burgess:

H. 1042. Authorizing the Department of Public Safety to protect the person of the Governor, Governor-elect, Lieutenant Governor, Lieutenant Governor-elect, other officials of the state and distinguished visitors; defining terms used in this act; providing for penalties for anyone who obstructs, resists or interferes with officers of the Department of Public Safety in the performance of this protective function, as well as penalties for anyone threatening the life or person of the Governor or other protectees of the Department of Public Safety.

Judiciary.

By Mr. Sasser:

H. 1043. To regulate and promote the public health and to improve the effectiveness of health facility planning and the provision of necessary and adequate health care facilities and services in the State of Alabama; to authorize the issuances of Assurances of Need to certify that a proposed facility, service and expenditure is in conformity with the appropriate State health facility plan; and to establish a time period of validity for Assurances of Need.

State Administration.

By Messrs. Gafford, Falkenburg, Waggoner, Andrews, Trammell, Hilliard, White, Moore (O), Jolly, Hopping, Porter, Boles, Armstrong, Hall and Howard:

H. 1044. To further amend Act No. 502 of the Legislature of Alabama of 1923, approved September 29, 1923 (General Acts of Alabama of 1923, page 663, et seq.), which established a policeman's pension system for cities having a population of 100,000 or more, as re-enacted by Act No. 283 of the Legislature of Alabama of 1943, approved June 28, 1943, (General Acts of Alabama of 1943, page 241, et seq.), as heretofore amended.

Local Legislation No. 2.

By Messrs. Martin, Roberts, Cross and Drake (With Notice and Proof):

H. 1045. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Trinity.

Local Legislation No. 1.

Notice and Proof H. 1045:

STATE OF ALABAMA
COUNTY OF

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Trinity.

Be It Enacted by the Legislature of Alabama:

REGULAR SESSION
12th Day

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Section 1. The boundary lines and corporate limits of the Town of Trinity in Morgan County are hereby altered, rearranged and extended so as to include within the corporate limits of the town, in addition to the area now embraced within the corporate limits of the town, the following described property:

Tract 1: A tract of land containing 2 acres, lying in the NE $\frac{1}{4}$ of Section 19, Township 5, South, Range 5 west, Morgan County, Alabama, being more particularly described as follows:

Beginning at the northeast corner of Section 19, Township 5 South, Range 5 West and running West along section line 1672 feet, more or less, to the true point of beginning, said point being the Northeast corner of the Methodist Parsonage lot; thence running South along a fence for a distance of 577 feet; thence East 151 feet to a point; thence North 577 feet to a point on the section line; thence West along said section line 151 feet to the true point of beginning.

Tract 11: A tract of land containing 1 acre, lying in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 19, Township 5 South, Range 5 West, Morgan County, Alabama, being more particularly described as follows:

Beginning at the northeast corner of Section 19, Township 5 South, Range 5 West, and running west along the centerline of a section line road 1672 feet, more or less, to the true point of beginning; thence south 311.10 feet along a fence on the west line of the property of Clem Noblitt; thence west 140 feet; thence north 311.10 feet to the centerline of said County Road; thence east 140 feet to the true point of beginning.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared S. D. Nettles, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Controller of the Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 4, June 11, June 18, and June 25, all in the year 1975.

S. D. NETTLES.

Sworn to and subscribed before me June 26, 1975.

LUCY L. FERGUSON,
Notary Public.

By Messrs. Hill, Greer, Coburn and Goodwin:

H. 1046. To prohibit the unauthorized copying of certain recorded articles for sale and the sale of such articles with knowledge that the sounds have been transferred thereon without the consent of the owner and providing punishment therefor.

Judiciary.

By Messrs. Hill, Greer and Coburn (With Notice and Proof):

H. 1047. Relating to Lauderdale County; to further amend Sections 1, 2, 3, 4, 7, 8 and 10 of Act No. 296 adopted by the 1949 Regular Session of the Legislature of the State of Alabama approved July 28, 1949 (Acts of Alabama of 1949, pp. 426 to 433), as amended by Act No. 470 adopted by the 1959 Regular Session of the Legislature of Alabama, approved November 13, 1959 (Acts of Alabama of 1959, Vol. 2, pp. 1165-1170), relating to privilege or license taxes or excise taxes in Lauderdale County (outside the corporate limits of the City of Florence) and in the City of Florence, Lauderdale County; levying in such county (outside the city limits of Florence) and in such municipality additional privilege license and excise taxes paralleling the state sales and use taxes provided for in Act No. 100, Second Special Session 1959 (Acts 1959, p. 298), as amended, and in Articles 11, 11A and 11B, Title 51, Code of Alabama, 1940, as amended; providing that the taxes levied in Sections 1 and 3 of this Act shall be subject to all of the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Act No. 100, adopted by the 1959 Second Special Session of the Legislature of Alabama, approved August 18, 1959, as amended, except where inapplicable or where herein otherwise provided; providing that the taxes levied in Sections 2 and 4 of this Act shall be subject to all of the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Articles 11, 11A and 11B of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, except where inapplicable or where herein otherwise provided; providing for the alternative collection of such taxes and the enforcement and administration of the Act by the State Department of Revenue if authorized and directed by the governing body of Lauderdale County; and further providing a procedure by which the governing body of Lauderdale County may discontinue availing itself of the alternative collection of such taxes and the enforcement of the Act by the State Department of Revenue after election to invoke such alternative collection and enforcement procedures has been made.

Local Legislation No. 1.

Notice and Proof H. 1047:

LEGAL NOTICE

STATE OF ALABAMA LAUDERDALE COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Lauderdale County; to further amend Sections 1, 2, 3, 4, 7, 8 and 10 of Act No. 296 adopted by the 1949 Regular Session of the Legislature of the State of Alabama approved July 28, 1949 (Acts of Alabama of 1949, pp. 426 to 433), as amended by Act No. 470 adopted by the 1959 Regular Session of the Legislature of Alabama, approved November 13, 1959 (Acts of Alabama of 1959, Vol. 2, pp. 1165-1170), relating to privilege or license taxes or excise taxes in Lauderdale County (outside the corporate limits of the City of Florence) and in the City of Florence, Lauderdale County; levying in such county (outside the city limits of Florence) and in such municipality additional

privilege license and excise taxes paralleling the state sales and use taxes provided for in Act No. 100, Second Special Session 1959 (Acts 1959, p. 298, as amended, and in Articles 11, 11A and 11B, Title 51, Code of Alabama, 1940, as amended; providing that the taxes levied in Sections 1 and 3 of this Act shall be subject to all of the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Act No. 100, adopted by the 1959 Second Special Session of the Legislature of Alabama, approved August 18, 1959, as amended, except where inapplicable or where herein otherwise provided; providing that the taxes levied in Sections 2 and 4 of this Act shall be subject to all of the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Articles 11, 11A and 11B of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, except where inapplicable or where herein otherwise provided; providing for the alternative collection of such taxes and the enforcement and administration of the Act by the State Department of Revenue if authorized and directed by the governing body of Lauderdale County; and further providing a procedure by which the governing body of Lauderdale County may discontinue availing itself of the alternative collection of such taxes and the enforcement of the Act by the State Department of Revenue after election to invoke such alternative collection and enforcement procedures has been made.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 296 adopted by the 1949 Regular Session of the Legislature of the State of Alabama, approved July 28, 1949 (Acts of Alabama of 1949, pp. 426 to 433), hereinafter referred to as "Act No. 296", as amended by Act No. 470 adopted by the 1959 Regular Session of the Legislature of Alabama, approved November 13, 1959 (Acts of Alabama of 1959, Vol. 2, pp. 1165-1170), hereinafter referred to as "Act No. 470", is hereby further amended to read as follows:

"Section 1. In Lauderdale County, Alabama (outside the city limits of Florence) there is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(a) Upon every person, firm, or corporation, engaged, or continuing within Lauderdale County, Alabama (outside the city limits of Florence) in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other watercraft of over fifty tons burden), an amount equal to one per cent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business. Provided that where all the sales of a company are single sales of peanut products, milk products, coffee, and confections sold in dispensing machines located in industrial plants or on private property for employees where

such machines dispense exclusively articles not to exceed ten cents (10¢) per sale, and the person operating such machines shall be engaged in the business of selling exclusively articles not to exceed ten cents (10¢) per sale and shall file with the Probate Judge of Lauderdale County, Alabama or with the State Department of Revenue, whichever office or department then has the responsibility of collecting the taxes herein levied, a sworn statement to that effect and shall keep and maintain records satisfactory to the Probate Judge of Lauderdale County, Alabama or to the State Department of Revenue, whichever office or department then has the responsibility of collecting the taxes herein levied, the gross receipts tax herein provided for shall not be levied.

(b) Upon every person, firm or corporation engaged, or continuing within Lauderdale County, Alabama (outside the city limits of Florence) in the business of conducting, or operating, places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests, conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, or county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within Lauderdale County, Alabama (outside the city limits of Florence) an amount equal to one percent of the gross receipts of any such business.

(c) Upon every person, firm or corporation engaged or continuing within Lauderdale County, Alabama (outside the city limits of Florence) in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount equal to $\frac{1}{4}$ of 1 per cent of the gross proceeds of the sale of such machines; provided, that the term "machines" as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used;

(d) Upon every person, firm or corporation engaged or continuing within Lauderdale County, Alabama (outside the city limits of Florence) in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer or house trailer, an amount equal to one fourth of one per cent of the gross proceeds of sale of said automotive vehicle or truck trailer, semi-trailer or house trailer, provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of \$5.00 dollars per year or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve

succeeding months or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person.

Where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(e) Upon every person, firm, or corporation engaged or continuing within Lauderdale County, Alabama (outside the city limits of Florence) in the business of selling at retail any machine, machinery, or equipment either that which is self-propelled or otherwise propelled or drawn and which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to $\frac{1}{4}$ of 1 per cent of the gross proceeds of the sale thereof. Providing, however, the per cent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery or equipment, either that which is self-propelled or otherwise propelled or drawn and which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

(f) The tax levied in Section 1 hereof shall be subject to all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Act No. 100, adopted by the 1959 Second Special Session of the Legislature of Alabama, approved August 18, 1959, entitled "An Act to raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama, 1940, as amended and supplemented", as amended, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof."

Section 2. Section 2 of Act No. 296, as amended by Act No. 470, is hereby further amended to read as follows:

"Section 2. (a) In Lauderdale County, Alabama (outside the city limits of Florence) an excise tax is hereby imposed on the storage, use or other consumption in Lauderdale County, Alabama (outside the city limits of Florence) of tangible personal property (not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships

and other watercraft of more than fifty tons burden) purchased at retail after the effective date of this Act for storage, use or other consumption in Lauderdale County, Alabama (outside the city limits of Florence) at the rate of one per cent of the sales price of such property, except as provided in subsections (b) (c) and (d).

(b) In Lauderdale County, Alabama (outside the city limits of Florence) an excise tax is hereby imposed on the storage, use or other consumption in Lauderdale County, Alabama (outside the city limits of Florence) of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, purchased at retail on or after the effective date of this Act at the rate of $\frac{1}{4}$ of 1 per cent of the sales price of any such machine; provided, that the term "machine" as herein used shall include machinery which is used for mining, quarrying, compounding, processing, or other manufacturing tangible personal property, and the parts of such machines, attachments and replacements thereof, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) In Lauderdale County, Alabama (outside the city limits of Florence) an excise tax is hereby imposed on the storage, use or other consumption in Lauderdale County, Alabama (outside the city limits of Florence) of any automotive vehicle or truck trailer, semi-trailer or house trailer purchased at retail on or after the effective date of this Act for storage, use or other consumption in Lauderdale County, Alabama (outside the city limits of Florence) at the rate of one-fourth of one per cent of the sales price of such automotive vehicle, truck trailer, semi-trailer or house trailer. Where any used automotive vehicle or truck trailer or semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(d) In Lauderdale County, Alabama (outside of the city limits of Florence) there is hereby levied and imposed an excise tax on the storage, use or other consumption in Lauderdale County, Alabama (outside the city limits of Florence) of any machine, machinery or equipment, either that which is self-propelled or otherwise propelled or drawn and which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry, on farms, and the parts of such machines, machinery, or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, which is purchased at retail after the effective date of this Act for storage, use or other consumption in Lauderdale County, Alabama (outside the city limits of Florence), at the rate of $\frac{1}{4}$ of 1 per cent of the sales price of such property, regardless of whether the retailer is or is not engaged in business in Lauderdale County, Alabama (outside the city limits of Florence). Provided, however, the $\frac{1}{4}$ of 1 per cent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use except farm trailers used primarily in the production and harvesting of agricultural commodities.

(e) Every person storing, using or otherwise consuming in Lauderdale County, Alabama (outside the city limits of Florence) tangible personal property purchased at retail shall be liable for the tax imposed

hereby, and the liability shall not be extinguished until the tax has been paid; provided, however, that a receipt from a retailer maintaining a place of business in Lauderdale County, Alabama, showing the payment of said tax shall be sufficient to relieve the purchaser from further liability for tax to which such receipt may refer.

(f) An excise tax is hereby imposed on the classes of tangible personal property, and at the rates imposed on such classes, specified in subsections (a) (b) (c) and (d) of this Section 2, on the storage, use or other consumption in the performance of a contract in Lauderdale County, Alabama (outside the city limits of Florence) of any such tangible personal property, new or used, the tax to be measured by the sales price of the fair and reasonable market value of such tangible personal property when put into use in Lauderdale County, Alabama (outside the city limits of Florence), whichever is less. Provided, however, the tax imposed by this subsection shall not apply where the taxes imposed by subsections (a) (b) (c) and (d) of this Section 2 are applicable.

(g) Each tax levied in Section 2 hereof shall be subject to all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof."

Section 3. Section 3 of Act No. 296, as amended by Act No. 470, is hereby further amended to read as follows:

"Section 3. In the City of Florence, Alabama there is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(a) Upon every person, firm, or corporation, engaged or continuing within the City of Florence, Alabama in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other watercraft of over fifty tons burden), an amount equal to one-half of one per cent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business. Provided that where all the sales of a company are single sales of peanut products, milk products, coffee, and confections sold in dispensing machines located in industrial plants or on private property for employees where such machines dispense exclusively articles not to exceed ten cents (10¢) per sale, and the person operating such machines shall be engaged in the business of selling exclusively articles not to exceed ten cents (10¢) per sale and shall file with the Probate Judge of Lauderdale County, Alabama or with the State Department of Revenue, whichever office or department then has the responsibility of collecting the taxes herein

levied, a sworn statement to that effect and shall keep and maintain records satisfactory to the Probate Judge of Lauderdale County, Alabama or to the State Department of Revenue, whichever office or department then has the responsibility of collecting the taxes herein levied, the gross receipts tax herein provided for shall not be levied.

(b) Upon every person, firm or corporation engaged, or continuing within the City of Florence, Alabama in the business of conducting, or operating, places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests, conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, or county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the City of Florence, Alabama an amount equal to one per cent of the gross receipts of any such business.

(c) Upon every person, firm or corporation engaged or continuing within the City of Florence, Alabama in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount equal to $\frac{1}{8}$ of 1 per cent of the gross proceeds of the sale of such machines; provided, that the term "machines" as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(d) Upon every person, firm or corporation engaged or continuing within the City of Florence, Alabama in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer or house trailer, an amount equal to $\frac{1}{8}$ of 1 percent of the gross proceeds of sale of said automotive vehicle or truck trailer, semi-trailer or house trailer, provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of 5.00 dollars per year or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person.

Where any used automotive vehicle or truck trailer, or semi-trailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(e) Upon every person, firm, or corporation engaged or continuing within the City of Florence, Alabama in the business of selling at retail any machine, machinery, or equipment either that which is self-propelled or otherwise propelled or drawn and which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to $\frac{1}{8}$ of 1 per cent of the gross proceeds of the sale thereof. Provided, however, the $\frac{1}{8}$ of 1 per cent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery or equipment, either that which is self-propelled or otherwise propelled or drawn and which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

(f) The tax levied in Section 3 hereof shall be subject to all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Act No. 100, adopted by the 1959 Second Special Session of the Legislature of Alabama, approved August 18, 1959, entitled "An Act to raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama, 1940, as amended and supplemented", as amended, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof."

Section 4. Section 4 of Act No. 296, as amended by Act No. 470, is hereby further amended to read as follows:

"Section 4. (a) In the City of Florence, Alabama an excise tax is hereby imposed on the storage, use or other consumption in the City of Florence, Alabama of tangible personal property (not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than fifty tons burden) purchased at retail after the effective date of this Act for storage, use or other consumption in the City of Florence, Alabama at the rate of one per cent of the sales price of such property, except as provided in subsections (b) (c) and (d).

(b) In the City of Florence, Alabama an excise tax is hereby imposed on the storage, use or other consumption in the City of Florence, Alabama of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, purchased at retail on or after the effective date of this Act at the rate of $\frac{1}{4}$ of 1 per cent of the sales price of any such machine; provided,

that the term "machine" as herein used shall include machinery which is used for mining, quarrying, compounding, processing, or other manufacturing tangible personal property, and the parts of such machines, attachments and replacements thereof, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) In the City of Florence, Alabama an excise tax is hereby imposed on the storage, use or other consumption in the City of Florence, Alabama of any automotive vehicle or truck trailer, semi-trailer or house trailer purchased at retail on or after the effective date of this Act for storage, use or other consumption in the City of Florence, Alabama at the rate of one-fourth of one per cent of the sales price of such automotive vehicle, truck trailer, semi-trailer or house trailer. Where any used automotive vehicle or truck trailer or semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(d) In the City of Florence, Alabama there is hereby levied and imposed an excise tax on the storage, use or other consumption in the City of Florence, Alabama of any machine, machinery or equipment, either that which is self-propelled or otherwise propelled or drawn and which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry, on farms, and the parts of such machines, machinery, or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, which is purchased at retail after the effective date of this Act for storage, use or other consumption in the City of Florence, Alabama, at the rate of $\frac{1}{4}$ of 1 per cent of the sales price of such property regardless of whether the retailer is or is not engaged in business in the City of Florence, Alabama. Provided, however, the $\frac{1}{4}$ of 1 per cent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use except farm trailers used primarily in the production and harvesting of agricultural commodities.

(e) Every person storing, using or otherwise consuming in the City of Florence, Alabama tangible personal property purchased at retail shall be liable for the tax imposed hereby, and the liability shall not be extinguished until the tax has been paid; provided, however, that a receipt from a retailer maintaining a place of business in the City of Florence, Alabama, showing the payment of said tax shall be sufficient to relieve the purchaser from further liability for tax to which such receipt may refer.

(f) An excise tax is hereby imposed on the classes of tangible personal property, and at the rates imposed on such classes, specified in subsections (a) (b) (c) and (d) of this Section 4, on the storage, use or other consumption in the performance of a contract in the City of Florence, Alabama of any such tangible personal property, new or used, the tax to be measured by the sale price of the fair and reasonable market value of such tangible personal property when put into use in the City of Florence, Alabama, whichever is less. Provided, however, the tax imposed by this subsection shall not apply where the taxes imposed by subsections (a) (b) (c) and (d) of this Section 4 are applicable.

(g) Each tax levied in Section 4 hereof shall be subject to all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof."

Section 5. Section 7 of Act No. 296, as amended by Act No. 470, is hereby further amended to read as follows:

"Section 7. (a) Unless otherwise authorized and directed by the governing body of Lauderdale County as provided in sub-section (b) of this section, the taxes herein levied shall be collected by and paid to the Probate Judge of Lauderdale County in his official capacity. All reports required to be made to the Commissioner of Revenue of the State of Alabama as to State Sales and Use Taxes under the aforesaid Act No. 100 of the 1959 Second Special Session of the Legislature and Articles 11, 11A, and 11B of Chapter 20 of Title 51 of the Code of Alabama of 1940 and amendments thereto, as to such taxes herein levied shall also be made to the Probate Judge of Lauderdale County, Alabama, and as to the taxes herein levied the Probate Judge of Lauderdale County, Alabama shall have and exercise the same powers, duties and obligations as are imposed on the Commissioner of Revenue of the State of Alabama by the aforesaid Act No. 100 of the 1959 Second Special Session of the Legislature and Articles 11, 11A and 11B of Chapter 20 of Title 51 of the Code of Alabama of 1940, and amendments thereto, as to state taxes herein levied. The Probate Judge of Lauderdale County shall be reimbursed out of said taxes for all clerk hire and other expense incurred by him in the collection, handling and disbursing of said monies, and shall also be entitled to reasonable compensation for his services in connection therewith, to be paid out of said tax monies, not to exceed one per cent of such collection. And each person or party paying any tax under this Act to said Probate Judge shall be authorized to deduct from the remittance three per cent (3%) of the amount of such tax for reimbursement for the expense of collecting and reporting such tax. (b) If authorized and directed by resolution of the governing body of Lauderdale County, all taxes herein levied shall be collected by and paid to the State Department of Revenue at the same time and along with the collection by the department of taxes levied and collected for the State of Alabama under Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama, as amended, and Acts supplemental thereto, and Articles 11, 11A and 11B of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, and Acts supplemental thereto, and amendatory thereof. In the event of such authorization and direction the provisions hereinafter set out in this sub-section (b) shall apply to the payment and collection of the taxes herein levied. The duties hereby imposed upon the Commissioner of Revenue, the Department of Revenue and the State Comptroller shall be assumed and discharged by them after the making and filing with the State Department of Revenue of a certified copy of the authorizing resolution of the governing body of Lauderdale County; but the duty to collect the taxes herein levied shall not be imposed upon the Department of Revenue until the 1st day of the month next following the expiration of thirty (30) days from the date of the filing with it of such certified copy of the authorizing resolution which shall be the beginning period for the collection of such taxes as shall be due on and after said 1st day of the month. This Act shall be enforced by the Commissioner of Revenue and the State Department of Revenue in the same way, and subject to the same rules and regulations, including discounts to licensees, as the state

sales tax and the state use tax are enforced as provided in Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama, as amended, and in Articles 11, 11A and 11b of Chapter 20 of Title 51, Code of Alabama, 1940, as amended, respectively, and Acts supplemental thereto and amendatory thereof, except where inapplicable or where herein otherwise expressly provided. The State Department of Revenue shall prepare and distribute such reports, forms and other information as may be necessary for the collection of the taxes herein levied. On and prior to the due dates of the taxes herein levied each person subject to said taxes shall file with the State Department of Revenue a report or return in such form as may be prescribed by the department, setting forth with respect to all sales and business that are required to be used as a measurement of the taxes herein levied, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business, and setting forth with respect to the use taxes herein levied, the total sales price of all property, the use, storage or other consumption of which became subject to the tax during the then preceding quarterly period. Such reports shall include also such other items of information pertinent to said taxes and the amounts thereof as the State Department of Revenue may require. Any person subject to the taxes levied herein may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding and shall pay the taxes due thereon at the time of filing such report. All reports and returns filed with the State Department of Revenue under this subsection shall be available for inspection by the governing body of Lauderdale County, or its designated agent, at reasonable times during business hours. The State Department of Revenue shall have full right, power and authority for the use and benefit of Lauderdale County and the City of Florence, as the case may be, to collect the taxes herein levied and enforce this Act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state sales and use tax. The State Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes levied by this Act and otherwise to enforce the provisions of this Act, including any litigation involving this Act; and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it hereunder. The State Department of Revenue shall charge Lauderdale County and the City of Florence, respectively, for collecting the respective special county and city taxes herein levied such amount or percentage of total collections as may be agreed upon by the Commissioner of Revenue and the governing body of Lauderdale County, but such charge shall not in any event exceed five percent of the total amount of the special city and county taxes collected hereunder. Such charge for collecting said taxes may be deducted each month from the special sales and special use taxes collected before certifying the amount of the proceeds thereof due the designated recipients of such taxes for that month. The Commissioner of Revenue shall pay into the state treasury all taxes collected under this Act as such taxes are received by the Department of Revenue. On or before the fifth day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder) the Commissioner shall certify to the State Comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of Lauderdale County and the City of Florence respectively during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of said taxes paid into the state

treasury during each month for the benefit of Lauderdale County and the City of Florence respectively, the Commissioner may deduct from the said taxes collected in said month the charges due the department for such collection. (c) If the governing body of Lauderdale County elects to invoke the provisions of preceding sub-section (b) of this section for the collection of the taxes herein levied and thereafter determines to discontinue availing itself of the alternative methods prescribed by preceding sub-section (b) of this section for the collection of the taxes herein levied it shall adopt a resolution so declaring and file a certified copy thereof with the Department of Revenue, whereupon the duties imposed upon the Commissioner of Revenue, the State Department of Revenue and the State Comptroller hereby shall terminate as of the 1st of the month next following the expiration of thirty (30) days from the date of the filing with the State Department of Revenue of such certified copy and thereupon the provisions of preceding sub-section (a) of this section shall be automatically effective."

Section 6. Section 8 of Act No. 296, as amended by Act No. 470, is hereby further amended to read as follows:

"Section 8. (a) In the event the provisions of sub-section (a) of Section 7 of this Act are utilized for the collection of the taxes herein levied, the Probate Judge of Lauderdale County shall at monthly intervals pay over any monies collected by him from such taxes, less his expense and compensation as hereinbefore provided, to the Lauderdale County Board of Education and the City Board of Education in the same proportions as the school funds allocated by the State of Alabama to Lauderdale County, and the City of Florence, are now or may hereafter be divided. (b) In the event the alternative methods prescribed by sub-section (b) of Section 7 of this Act are utilized for the collection of the taxes herein levied, it shall be the duty of the State Comptroller in his official capacity to issue his warrant each month in collective total amount equal to the total amount certified and paid into the state treasury by the Commissioner of Revenue during the month immediately preceding under the provisions of this Act payable to the Custodian of Public School Funds, Lauderdale County, Alabama, who shall forthwith pay over such funds to the Lauderdale County Board of Education and the Florence City Board of Education in the same proportions as the school funds allocated by the State of Alabama to Lauderdale County and the City of Florence are now or may be hereafter divided."

Section 7. Section 10 of Act No. 296, as amended by Act No. 470, is hereby further amended to read as follows:

"Section 10. In event the taxes herein levied are being collected by and paid to the Probate Judge of Lauderdale County under the provisions of this Act, the taxes herein levied shall be due and collectible at the times and manner and as set out in the aforesaid Act No. 100 of the 1959 Second Special Session of the Legislature and Articles 11, 11A and 11B of Chapter 20 of Title 51 of the Code of Alabama of 1940, and amendments thereto, and all of the methods and provisions given to the State of Alabama as the collection of said taxes under the provisions of the aforesaid Act No. 100 of the 1959 Second Special Session of the Legislature and Articles 11, 11A and 11B of Chapter 20 of Title 51 of the Code of Alabama of 1940, and amendments thereto, are given hereby to Lauderdale County and the City of Florence as to the taxes hereby levied."

Section 8. All laws or parts of laws in conflict with any provision of this Act are hereby repealed.

Section 9. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Harrison, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the The Florence Times*Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 27, 1975, June 3, 1975, June 10, 1975, and June 17, all in the year 1975.

BILL HARRISON.

Sworn to and subscribed before me June 17, 1975.

WALLACE E. OWEN, JR.,
Notary Public State at Large.

By Messrs. Greer, Hill and Coburn (With Notice and Proof):

H. 1048. Relating to the management of the public records of Lauderdale County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Lauderdale County, and for payment of the cost incurred in the purchase of photographic or microphotographic equipment; to authorize the photographing or microphotographing of old documents and records presently held as public records of Lauderdale County; to authorize the destruction of old documents not otherwise stored with the State Department of Archives and History.

Local Legislation No. 1.

Notice and Proof H. 1048:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to the management of the public records of Lauderdale County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Lauderdale County, and for payment of the cost incurred in the purchase of photographic or microphotographic equip-

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12th Day

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ment; to authorize the photographing or microphotographing of old documents and records presently held as public records of Lauderdale County; to authorize the destruction of old documents not otherwise stored with the State Department of Archives and History.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The county commissioners of Lauderdale County may require the photographing or microphotographing, on plate or film of any record, document, plat, court file, book, map, paper, or writing made, acquired, or received as required by law by any official of Lauderdale County except those records that the board of registrars is required by law to make and keep, which may be photographed or microfilmed only if this procedure is approved unanimously by the board of registrars. Such photographs, microfilms, or prints made therefrom, when duly authenticated by the custodian thereof, shall have the same force and effect at law as the original record, or of a record made by any other legally authorized means, and may be offered in like manner and shall be received in evidence in any Court where such original record, or record made by other legally authorized means, could have been so introduced and received. In like manner, reproductions made from such records by photographic or like process, when otherwise in compliance with applicable statutes, rules and regulations, shall be received and treated in any court of this State as fully as would a transcription or reproduction or such records made by any other means or process.

SECTION ¼. The court or board is authorized to charge to any office, court, board, institution, department or agency of the county the cost of photographing or microphotographing of public records belonging to that office, court, board, institution, department, or agency, by the charging of the cost of such work to that office, court, board, institution, department or agency's appropriation from the county budget.

SECTION 3. The court or board may from time to time appropriate amounts out of the general fund of the county sufficient to pay the cost of photographing or microphotographing of the public records belonging to the county, and may from time to time appropriate amounts sufficient to purchase necessary photographic or microphotographic equipment, materials and supplies therefor.

SECTION 4. The custodian of public records is authorized to photograph or microphotograph all public records existing as of the effective date of this act, and after such records have been processed and checked for clarity, all presently existing bound volumes may be offered to the State Department of Archives and History for permanent storage. Such volumes as are refused by the Department may be destroyed unless otherwise prohibited by law.

SECTION 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Harrison, who, being by

me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the The Florence Times*Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 27, 1975, June 3, 1975, June 10, 1975, and June 17, all in the year 1975.

BILL HARRISON.

Sworn to and subscribed before me June 17, 1975.

WALLACE E. OWEN, JR.,
Notary Public State at Large.

By Messrs. Hill, Greer and Coburn (With Notice and Proof):

H. 1049. To amend Act No. 30, H. 69, Acts of Alabama, Regular Session 1953, approved May 28, 1953, relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County and providing that such roads and bridges shall be constructed, maintained, and repaired by the State Highway Department, by amending Sections 1, 2, and 5 thereof; providing that the county governing body shall have and exercise the power to set up projects within the county and to further determine the location of new roads and bridges within the county which may be established as an addition to or change in the existing county road system; providing that the State Highway Department shall cause its Lauderdale County Engineer, or Assistant Engineer, to personally meet with county governing body of Lauderdale County on a quarterly basis and make an up-to-date status report on the progress of the work of the State Highway Department relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County; and further providing that the State Highway Department shall prepare and file with the governing body of Lauderdale County on a quarterly basis each year a quarterly financial report relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County by the State Highway Department under the provisions of this Act.

Local Legislation No. 1.

Notice and Proof H. 1049:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend Act No. 30, H. 69, Acts of Alabama, Regular Session 1953, approved May 28, 1953, relating to the construction, maintenance and repair of the county roads and bridges of Lauderdale County and providing that such roads and bridges shall be constructed, maintained and repaired by the State Highway Department, by amending Sections 1, 2 and 5 thereof; providing that the county governing body shall have and exercise the power to set up projects within the county and to further determine the location of new roads and bridges within the

county which may be established as an addition to or change in the existing county road system; providing that the State Highway Department shall cause its Lauderdale County Engineer, or Assistant Engineer, to personally meet with county governing body of Lauderdale County on a quarterly basis and make an up-to-date status report on the progress of the work of the State Highway Department relating to the construction, maintenance and repair of the county roads and bridges of Lauderdale County; and further providing that the State Highway Department shall prepare and file with the governing body of Lauderdale County on a quarterly basis each year a quarterly financial report relating to the construction, maintenance and repair of the county roads and bridges of Lauderdale County by the State Highway Department under the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 30, H. 69, Acts of Alabama, Regular Session 1953, approved May 28, 1953, is hereby amended, to read as follows:

"Section 1. The State Highway Department shall, subject to the provisions and limitations contained in this Act, be responsible for the construction, maintenance and repair of the county roads and bridges in Lauderdale County.

(a) When used in this Act, the phrase "betterment projects" shall mean and include new paving, resealing, grade, drain and temporary surface, striping and new bridge construction."

Section 2. Section 2 of Act No. 30, H. 69, Acts of Alabama, Regular Session 1953, approved May 28, 1953, is hereby amended, to read as follows:

"Section 2. The county governing body of Lauderdale County shall have and exercise only the powers and functions relative to the construction, maintenance, and repair of the county roads and bridges as are conferred upon it by this act, as follows:

(a) To levy road and bridge taxes and to appropriate money for the construction, maintenance and repair of county roads and bridges in the same manner and to the same extent as it may presently do so under the laws of the State;

(b) To borrow money and issue bonds or other evidences of indebtedness, subject to the approval of the State Highway Department, for the purpose of constructing, maintaining and repairing county roads and bridges to the same extent as it may presently do so under the laws of the State;

(c) To determine, subject to the approval of the State Highway Department, the right of eminent domain for the purpose of acquiring right of way for the establishment and changing of county roads and bridges in the manner presently provided by law;

(d) The authority and responsibility of the designation and setting up of betterment projects for roads and bridges in Lauderdale County is hereby vested in the County Commission or the governing body of Lauderdale County. The authority and responsibility for routine maintenance shall remain with the State Highway Director by and through the district engineer for Lauderdale County. No money shall be spent for betterment projects for roads and bridges in Lauderdale County except as authorized by the Lauderdale County Commission as provided herein by resolution duly adopted and spread upon the minutes of meeting of the governing body of Lauderdale County.

(e) On or before the 1st day of September of each year the State Highway Director shall notify the governing body of Lauderdale County in writing as to the estimated amount of money to be available out of the monies available from Lauderdale County's distributive share of the state gasoline revenue for betterment projects for the next ensuing fiscal year. On or before the 1st day of October of each year the governing body of Lauderdale County shall, by resolution duly adopted and spread upon the minutes of the meeting of the Lauderdale County governing body designate by priority the betterment project to be done within the next fiscal year out of the monies available from Lauderdale County's distributive share of the State gasoline tax and from any other sources or funds in the county road and bridge fund or other fund of the county designated for road construction. Upon the adoption of this resolution, said resolution shall be forwarded to the State Highway Director and the district engineer for Lauderdale County and the district engineer shall prepare a map showing each betterment project according to the priority established by the resolution which map shall be returned to the county governing body and shall be posted in a public place in the office of the county governing body or some other public place in the Lauderdale County Courthouse. The State Highway Department shall construct such betterment projects as designated according to the provisions hereof unless said program is changed or amended by additional resolution duly adopted and spread on the minutes of the meeting of the Lauderdale County governing body."

Section 3. Section 5 of Act No. 30, H. 69, Acts of Alabama, Regular Session 1953, approved May 28, 1953, is hereby amended, to read as follows:

"Section 5. (a) The State Highway Department shall construct, maintain and repair all the county roads and bridges of Lauderdale County from the funds paid over to it pursuant to Section 4 of this Act and from funds which would otherwise accrue to Lauderdale County for road and bridge work from any source whatsoever.

(b) The State Highway Department, through its Lauderdale County Engineer, or Assistant Engineer, shall meet with the county governing body of Lauderdale County on a quarterly basis at the last regular meeting of the quarter beginning October 1, 1975, or such other times and places as may be agreed upon by the parties, and at such meetings make an up-to-date status report to such county governing body on the progress of the work of the State Highway Department relating to the construction, maintenance and repair of the county roads and bridges of Lauderdale County.

(c) The State Highway Department shall prepare and file with the governing body of Lauderdale County on a quarterly basis each year a quarterly financial report, including revenues accruing to Lauderdale County from funds under Section 4 of this Act and from funds which would otherwise accrue to Lauderdale County for road and bridge work from any source whatsoever and expenditures made or obligated from said funds, relating to the construction, maintenance and repair of the county roads and bridges of Lauderdale County by the State Highway Department under the provisions of this Act."

Section 4. The provisions of this Act are hereby declared to be severable in nature and should any section or other portion thereof be declared unconstitutional or invalid such adjudication shall not affect the portion, or portions, of said Act remaining.

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Section 5. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Harrison, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the The Florence Times*Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 27, 1975, June 3, 1975, June 10, 1975, and June 17, all in the year 1975.

BILL HARRISON.

Sworn to and subscribed before me June 17, 1975.

WALLACE E. OWEN, JR.,
Notary Public State at Large.

By Messrs. Greer, Hill and Coburn (With Notice and Proof):

H. 1050. Relating to Lauderdale County; providing an expense allowance for the County Coroner.

Local Legislation No. 1.

Notice and Proof H. 1050:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Lauderdale County; providing an expense allowance for the County Coroner.

SECTION 1. The County Coroner in Lauderdale County shall receive a monthly expense allowance of \$150.00. Such allowance shall be in addition to any and all other compensation and allowances received by said Coroner.

SECTION 2. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Harrison, who, being by

me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the The Florence Times*Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 27, 1975, June 3, 1975, June 10, 1975, and June 17, all in the year 1975.

BILL HARRISON.

Sworn to and subscribed before me June 17, 1975.

WALLACE E. OWEN, JR.,
Notary Public State at Large.

By Messrs. Hill, Greer and Coburn (With Notice and Proof):

H. 1051. Relating to Lauderdale County; providing for a monthly expense allowance for County Commissioners of Lauderdale County.

Local Legislation No. 1.

Notice and Proof H. 1051:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Lauderdale County; providing for a monthly expense allowance for County Commissioners of Lauderdale County.

Section 1. Each county commissioner in Lauderdale County shall receive a further and additional expense allowance of \$150.00 per month which shall be paid in addition to any and all other expense allowances and compensation provided for by law.

Section 2. The provisions of this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Harrison, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the The Florence Times*Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of

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said paper on May 27, 1975, June 3, 1975, June 10, 1975, and June 17, all in the year 1975.

BILL HARRISON.

Sworn to and subscribed before me June 17, 1975.

WALLACE E. OWEN, JR.,
Notary Public State at Large.

By Messrs. Hill, Greer and Coburn (With Notice and Proof):

H. 1052. Relating to Lauderdale County; setting the compensation and expense allowance of certain officials.

Local Legislation No. 1.

Notice and Proof H. 1052:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Lauderdale County; setting the compensation and expense allowance of certain officials.

SECTION 1. The following county officials shall have the indicated annual salary and the indicated monthly expense allowance, viz:

Probate Judge, Annual Salary—\$18,000; Monthly Expense Allowance—\$100.00

Circuit Clerk, Annual Salary—\$16,200; Monthly Expense Allowance—\$100.00

Tax Assessor, Annual Salary—\$15,000; Monthly Expense Allowance—\$150.00

Tax Collector; Annual Salary—\$15,000; Monthly Expense Allowance—\$100.00

Circuit Court Register—Annual Salary—\$15,000; Monthly Expense Allowance—None.

SECTION 2. The provisions of this act shall supersede any and all other provisions in regard to the annual salary and monthly expense allowance of the above enumerated employees in such county.

SECTION 3. The provisions of this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Harrison, who, being by

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me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the The Florence Times*Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 27, 1975, June 3, 1975, June 10, 1975, and June 17, all in the year 1975.

BILL HARRISON.

Sworn to and subscribed before me June 17, 1975.

WALLACE E. OWEN, JR.,
Notary Public State at Large.

By Messrs. Hill, Greer and Coburn (With Notice and Proof):

H. 1053. Amending Section 1 of Act No. 791, H. 923, Regular Session (Acts 1969, p. 1421), relating to the sheriff's department of Lauderdale County, so as to remove the maximum number of deputies that can be hired and removing the compensation limits of the deputies, secretaries and jailers.

Local Legislation No. 1.

Notice and Proof H. 1053:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Amending Section 1 of Act No. 791, H. 923, Regular Session (Acts 1969, p. 1421), relating to the sheriff's department of Lauderdale County, so as to remove the maximum number of deputies that can be hired and removing the compensation limits of the deputies, secretaries and jailers.

SECTION 1. Section 1 of Act No. 791, H. 923, Regular Session (Acts 1969, p. 1421) is hereby amended to read as follows:

"Section 1. In lieu of the deputies and assistants heretofore authorized by law the sheriff of Lauderdale County shall appoint:

"(a) one chief deputy, and not less than eight deputies in addition to the chief deputy, the exact number of such deputies to be determined by the county governing body.

"(b) one or more secretaries, at the discretion of the county governing body, who may be deputies but shall not be included in the number of deputies authorized in subsection (a) above.

"(c) two or more jailers, at the discretion of the county governing body, who may be deputies, but shall not be included in the number of deputies authorized in subsection (a) above.

"The exact amount of compensation of each of such deputies, jailers and assistants shall be fixed by the county governing body and shall

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be paid out of the general fund of the county as the salaries of other county employees are paid"

SECTION 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
LAUDERDALE COUNTY

I, Bill Harrison, Advertising Manager of Florence Times*Tri-Cities Daily, a daily newspaper published in Florence, Lauderdale County, Alabama and with a general circulation in Lauderdale and Colbert Counties, Alabama, and having been published and mailed under the Second Class Mailing Privileges for 52 consecutive weeks prior to the publication of the attached clipping, hereby certify that the attached clipping is a true and correct copy of: **LEGAL NOTICE STATE OF ALABAMA COUNTY OF LAUDERDALE** as published in Florence Times*Tri-Cities Daily on the days and dates and in the amount of space as here given, as follows: May 27, June 3, 10, 17, 1975, Florence, Ala., June 17, 1975.

BILL HARRISON,
Advertising Manager of Florence Times*Tri-Cities Daily.

Sworn to before me this 17th., day of June, 1975.

WALLACE E. OWEN, JR.,
Notary Public, State at Large.

My Commission Expires December 13, 1976.

By Messrs. Hill, Greer and Coburn (With Notice and Proof):

H. 1054. Relating to Lauderdale County; authorizing the county commission to establish budgetary limits for the cost of operating all departments of county government and to fix and enforce policies, rules and regulations respecting holidays, vacations and sick leave for all county employees.

Local Legislation No. 1.

Notice and Proof H. 1054:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Lauderdale County; authorizing the county commission to establish budgetary limits for the cost of operating all departments of county government and to fix and enforce policies, rules and regulations respecting holidays, vacations and sick leave for all county employees.

Be It Enacted by the Legislature of Alabama:

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SECTION 1. The Lauderdale County Commission shall determine the needs of each department of county government, the projected cost of operating each department and the anticipated revenue which may be available for the operation of the county government and shall fix the budget for the cost of operating all departments within the limits of the anticipated revenue of the county. In making such determinations, said commission may require the head of each department to file a report containing an inventory of its property and the condition thereof, its present and future needs, a cost estimate, including salaries, equipment and all other necessary expenditures and any other appropriate information it may desire. Upon the establishment of such budget, the head of each department shall expend county funds within the limits fixed by the said commission, and may be held liable for any expenditures in excess of such limits.

SECTION 2. The said county commission shall be further authorized to fix policies respecting the observance of holidays, to establish and promulgate rules, regulations and procedures respecting vacations and sick leave for all county employees, and to enforce such policies, rules and regulations.

SECTION 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 4. All laws or parts of laws which conflict with this act are repealed.

SECTION 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
LAUDERDALE COUNTY

I, Bill Harrison, Advertising Manager of Florence Times*Tri-Cities Daily, a daily newspaper published in Florence, Lauderdale County, Alabama and with a general circulation in Lauderdale and Colbert Counties, Alabama, and having been published and mailed under the Second Class Mailing Privileges for 52 consecutive weeks prior to the publication of the attached clipping, hereby certify that the attached clipping is a true and correct copy of: **LEGAL NOTICE STATE OF ALABAMA COUNTY OF LAUDERDALE** as published in Florence Times*Tri-Cities Daily on the days and dates and in the amount of space as here given, as follows: May 27, June 3, 10, 17, 1975, Florence, Ala., June 17, 1975.

BILL HARRISON,
Advertising Manager of Florence Times*Tri-Cities Daily.

Sworn to before me this 17th., day of June, 1975.

WALLACE E. OWEN, JR.,
Notary Public, State at Large.

My Commission Expires December 13, 1976.

By Messrs. Greer, Hill and Coburn (With Notice and Proof):

H. 1055. Relating to Lauderdale County; authorizing the county commission to provide parking facilities near the county courthouse

and to regulate parking on county property around the courthouse; providing penalties for violations.

Local Legislation No. 1.

Notice and Proof H. 1055:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Lauderdale County; authorizing the county commission to provide parking facilities near the county courthouse and to regulate parking on county property around the courthouse; providing penalties for violations.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The Lauderdale County Commission is hereby authorized to provide adequate parking for petit jurors, grand jurors, witnesses and employees of the state and county having offices in the county courthouse. Said commission may furnish such parking through the acquisition and operation of parking lots by contracting with any private or public agency for such purpose, under such terms as it may deem necessary and desirable; or by reimbursing those persons covered by this act for their reasonable personal expenses in securing parking.

SECTION 2. Upon the request of the said commission, the sheriff of Lauderdale County shall deputize the county engineer or any other employee of the engineering department or of the sheriff's office to enforce TWO hour parking limitations and restricted zone limitations on motor vehicles parking on said county's property around the courthouse during courthouse hours, and said deputy shall have the authority to place a parking ticket on any motor vehicle violating these regulations. Said deputy shall be further authorized to place tickets on motor vehicles blocking other vehicles lawfully parked or parked in spaces not provided for public parking.

SECTION 3. The violation of any provision of this act shall constitute a misdemeanor and the fine therefore shall be set at \$3.00 plus court costs; provided, that in the event said fine is voluntarily paid within fifteen days from the date of such violation, no court costs nor any other fees shall be charged in connection therewith. In the event said fine is not paid within fifteen days from the date of such violation, the deputy shall proceed to handle said case as in other traffic cases made by the sheriff of said counties.

The clerk of the county court is authorized to accept payment of said fines or court costs as the case may be and to remit the fines to the general fund of Lauderdale County, and to disperse the court costs as provided by law.

SECTION 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

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SECTION 5. All laws or parts of laws which conflict with this act are repealed.

SECTION 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
LAUDERDALE COUNTY

I, Bill Harrison, Advertising Manager of Florence Times*Tri-Cities Daily, a daily newspaper published in Florence, Lauderdale County, Alabama and with a general circulation in Lauderdale and Colbert Counties, Alabama, and having been published and mailed under the Second Class Mailing Privileges for 52 consecutive weeks prior to the publication of the attached clipping, hereby certify that the attached clipping is a true and correct copy of: LEGAL NOTICE STATE OF ALABAMA LAUDERDALE COUNTY as published in Florence Times*Tri-Cities Daily on the days and dates and in the amount of space as here given, as follows: May 27, June 3, 10, 17, 1975, Florence, Ala., June 17, 1975.

BILL HARRISON,
Advertising Manager of Florence Times*Tri-Cities Daily.

Sworn to before me this 17th., day of June, 1975.

WALLACE E. OWEN, JR.,
Notary Public, State at Large.

My Commission Expires December 13, 1976.

By Messrs. Greer, Hill and Coburn (With Notice and Proof):

H. 1056. To authorize the Lauderdale County Board of Education to set and establish sick leave and annual leave, and rules pertaining thereto for employees other than teachers so that said employees may, at the discretion of said County Board, participate in leave allowances the same as is provided teachers.

Local Legislation No. 1.

Notice and Proof H. 1056:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the Lauderdale County Board of Education to set and establish sick leave and annual leave, and rules pertaining thereto for employees other than teachers so that said employees may, at the discretion of said County Board, participate in leave allowances the same as is provided teachers.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The Lauderdale County Board of Education is hereby authorized to establish such rules and regulations pertaining to sick leave and annual leave for employees, other than teachers, of the Board of Education in said County so that such employees shall enjoy the same leave allowances and privileges as teachers.

SECTION 2. All laws or parts of laws which conflict with this act are repealed.

SECTION 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Harrison, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the The Florence Times*Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 27, 1975, June 3, 1975, June 10, 1975, and June 17, all in the year 1975.

BILL HARRISON.

Sworn to and subscribed before me June 17, 1975.

WALLACE E. OWEN, JR.,
Notary Public State at Large.

By Messrs. Greer, Hill and Coburn (With Notice and Proof):

H. 1057. Relating to Lauderdale County; providing for an expense allowance for members of the Lauderdale County Board of Education.

Local Legislation No. 1.

Notice and Proof H. 1057:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Lauderdale County; providing for an expense allowance for members of the Lauderdale County Board of Education.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Each member of the Lauderdale County Board of Education shall receive an expense allowance of \$200 per month which shall be paid out of the Lauderdale county general school fund and which shall be in addition to any and all other compensation, expenses and allowances provided for by law.

SECTION 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Harrison, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the The Florence Times*Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 27, 1975, June 3, 1975, June 10, 1975, and June 17, all in the year 1975.

BILL HARRISON.

Sworn to and subscribed before me June 17, 1975.

WALLACE E. OWEN, JR.,
Notary Public State at Large.

By Messrs. Hill, Greer and Coburn (With Notice and Proof):

H. 1058. To authorize the city of Florence to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

Local Legislation No. 1.

Notice and Proof H. 1058:

STATE OF ALABAMA COUNTY OF LAUDERDALE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To authorize the city of Florence to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating

condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

Be It Enacted by the Legislature of Alabama:

Section 1. All weeds growing upon streets or sidewalks or upon private property within the city limits of Florence which bear seeds of a wingy or downy nature or attain such large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous, and any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles not in useable condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, may be declared to be a public nuisance by the city governing body, and thereafter abated as provided in this Act.

Section 2. Whenever any officer or employee of the city of Florence charged with said responsibility shall report to the city governing body the existence of any condition enumerated in Section 2 hereof, may, by resolution, if the proof be satisfactory, declare the same to be a public nuisance. Said resolution shall refer to the street by the name under which it is commonly known, and describe the property upon which or in front of which said nuisance exists by giving a legal description thereof; and no other description of said property shall be required. Any number of streets, sidewalks or parcels of private property, may be included in one and the same resolution.

Section 3. After the passage of said resolution, the city governing body shall cause to be conspicuously posted in front of the property on which or in front of which such nuisance exists, at not more than one hundred feet in distance apart, but not less than two in all, notices headed "Notice to Remove Public Nuisance," such heading to be in words not less than one inch in height and substantially in the following form:

NOTICE TO REMOVE PUBLIC NUISANCE

Notice is hereby given that on the _____ day of _____, 19____, the (Name of the governing body) passed a resolution declaring that a public nuisance exists upon or in front of the property on _____ (street) in said _____ (city), and more particularly described in said resolution, and that the same constitutes a public nuisance which must be abated by the removal of said public nuisance, otherwise they will be removed and the nuisance will be abated by the municipal authorities, in which case the cost of such removal shall be assessed upon the lots and lands from which or in front of which such public nuisance is removed, and such cost will constitute a lien upon such lots or lands until paid. Reference is hereby made to said resolution for further particulars.

All property owners having any objections to the proposed removal of said public nuisance are hereby notified to attend a meeting of the (name of governing body), of said (city or town) to be held (give date), when their objections will be heard and given due consideration.

Dated this _____ day of _____, 19_____

Name of City

By _____ City Clerk

Said notices shall be posted at least five days prior to the time for hearing objections by the governing body of the city. In addition, a notice shall be mailed to the owner of the property at least five days before the meeting at which objections will be heard. Such notice mailed to the person last assessing the property for taxes according to the records of the County Tax Assessor shall be conclusively presumed to be adequate and to comply with the requirements for such notice as provided herein.

Section 4. At the time stated in the notices, the governing body of the city shall hear and consider all objections or protests, if any, to the proposed removal of said nuisance, and may continue the hearing from time to time. Upon the conclusion of said hearing the governing body, by motion or resolution, shall allow or overrule any or all objections, and if the objections are overruled with respect to any piece of property described the governing body shall be deemed to have acquired jurisdiction to proceed and perform the work of removal with respect to such piece of property, and the decision of the governing body on the matter shall be deemed final and conclusive.

Section 5. After final action has been taken by the governing body on the overruling of any protests or objections with respect to any described piece of property or in case no protests or objections have been received, the city governing body, by motion or resolution, shall order the abatement of said nuisance by having the nuisance referred to removed, and all necessary employees of such municipality are hereby expressly authorized to enter upon private property for that purpose. Any property owner shall have the right to have any such nuisance removed at his own expense providing the same is done prior to the arrival of the employees of the city to do the same.

Section 6. The city shall keep an account of the cost of abating such nuisance in front of or on each separate lot or parcel of land where the work is done by it or its employees, and shall render an itemized report in writing to the city governing body showing the cost of removing such on each separate lot, or in front thereof, or both; provided, that before said report is submitted to said governing body, copy of the same shall be mailed to the owner or owners of the property at least three days before said report shall be submitted to the governing body for confirmation.

Section 7. At the time fixed for receiving and considering said report, the city governing body shall hear the same, together with any objections which may be raised by any of the property owners liable to be assessed for the work of abating said nuisance and thereupon make such modifications in the report as they deem necessary, after which by motion or resolution said report shall be confirmed. The amounts of the cost for abating such nuisance in front of or upon the various parcels of land mentioned in said report shall constitute special assessments against the respective parcels of land and as thus made and confirmed shall constitute a lien on said property for the amount of such assessments respectively. After confirmation of said report, a copy shall be turned over to the appropriate official or employee of the city who is charged with the collection of taxes or assessments, whereupon it shall be the duty of said official or employee to add the amounts of the respective assessments to the next regular bills for taxes levied against the said respective lots and parcels of land for municipal purposes, and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes.

Section 8. All laws or parts of laws in conflict herewith be and same are hereby expressly repealed.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Harrison, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the The Florence Times*Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 27, 1975, June 3, 1975, June 10, 1975, and June 17, all in the year 1975.

BILL HARRISON.

Sworn to and subscribed before me June 17, 1975.

WALLACE E. OWEN, JR.,
Notary Public State at Large.

By Messrs. Greer and Coburn (With Notice and Proof):

H. 1059. Relating to Lauderdale County; providing further for the election of the members of the county board of education and county superintendent of education.

Local Legislation No. 1.

Notice and Proof H. 1059:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Lauderdale County; providing further for the election of the members of the county board of education and county superintendent of education.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Only those qualified electors residing within a school district under the jurisdiction of the Lauderdale County Board of Education may vote in any election of the members of such board or any election of the superintendent of education in Lauderdale County.

SECTION 2. All laws or parts of laws which conflict with this act are repealed.

SECTION 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
LAUDERDALE COUNTY

I, Bill Harrison, Advertising Manager of Florence Times*Tri-Cities Daily, a daily newspaper published in Florence, Lauderdale County, Alabama and with a general circulation in Lauderdale and Colbert Counties, Alabama, and having been published and mailed under the Second Class Mailing Privileges for 52 consecutive weeks prior to the publication of the attached clipping, hereby certify that the attached clipping is a true and correct copy of: LEGAL NOTICE STATE OF ALABAMA COUNTY OF LAUDERDALE as published in Florence Times*Tri-Cities Daily on the days and dates and in the amount of space as here given, as follows: May 27, June 3, 10, 17, 1975, Florence, Ala., June 17, 1975.

BILL HARRISON,
Advertising Manager of Florence Times*Tri-Cities Daily.

Sworn to before me this 17th., day of June, 1975.

WALLACE E. OWEN, JR.,
Notary Public, State at Large.

My Commission Expires December 13, 1976.

By Messrs. Merrill and Burgess:

H. 1060. To provide that bonds, notes and other securities issued by certain public hospital corporations shall be exempt from laws governing usury or prescribing or limiting interest rates.

Ways and Means.

By Messrs. Crowe, Morris and Waggoner:

H. 1061. To amend Section 401, Title 51 of Code of Alabama 1940, so as to define further, gross income of a corporation which adopts a plan of complete liquidation in accordance with Section 337 of the Internal Revenue Code of the United States.

Ways and Means.

By Messrs. Hilliard, McNair, Jolly, Porter, Howard, Jackson (R), Tucker, Boles and Trammell:

H. 1062. Relating to all incorporated municipalities with a population greater than 300,000, according to the latest Federal decennial census; providing that members of the city boards of education of such municipalities are to be elected, the chairman in a city-wide election and the members from nine districts within the city, to be set and defined by the city council.

Local Legislation No. 2.

By Messrs. Carothers, Smith (J) and Crawford (With Notice and Proof):

H. 1063. Relating to Houston County; to provide an additional expense allowance for the Coroner.

Local Legislation No. 1.

Notice and Proof H. 1063:

A BILL
TO BE ENTITLED
AN ACT

Relating to Houston County, to provide an additional expense allowance for the Coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. The Coroner of Houston County shall be paid an additional expense allowance in the amount of \$150.00 per month out of the County general fund which shall be in addition to any and all salary, compensation and expense allowances heretofore provided for by law.

Section 2. The provisions of this Act shall become effective on the first day of the month next succeeding the date when this Act becomes law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF HOUSTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared D. H. DOLSON, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was ADVERTISING MANAGER of the The Dothan Eagle, a newspaper of general circulation published in Houston County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 22, May 29, June 5, and June 12, all in the year 1975.

D. H. DOLSON.

Sworn to and subscribed before me June 20, 1975.

SARAH C. BOYDE,
Notary Public.

My Commission Expires 2-8-78.

By Messrs. Carothers and Crawford (With Notice and Proof):

H. 1064. To create the office of license commissioner in Houston County; to provide for his appointment and future election; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office.

Local Legislation No. 1.

Notice and Proof H. 1064:

A BILL
TO BE ENTITLED
AN ACT

To create the office of license commissioner in Houston County; to provide for his appointment and future election; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of license commissioner in Houston County. The first such license commissioner shall be

appointed by an appointing authority consisting of the judge of probate, the chairman of the county commission, and the revenue commissioner and shall serve until his successor assumes office after the general election of 1978. Successors to the first license commissioner shall be elected at the general election in 1978 and every four years thereafter. He shall take office from the first Monday after the second Tuesday in January next succeeding his election.

Section 2. The office of license inspector provided for by the Code of Alabama 1940, Title 51, Section 835 is hereby abolished. The license commissioner shall enforce all laws concerning licenses and shall have the responsibility to see that the necessary licenses, and tags are purchased. The license commissioner shall have the authority to issue citations to insure that the necessary licenses or tags are purchased.

Section 3. The license commissioner shall be paid a salary of \$10,400 per annum payable in equal monthly installments from the general fund of the county. All penalties received from the general fund of the county. All penalties received from the sale of licenses or tags shall be returned to general fund of the county. In addition, the license commissioner shall be entitled to 12¢ per mile for the use of his personal vehicle in the performance of his duties.

Section 4. Suitable office space and all stationery, equipment, supplies and postage necessary for the conduct of the office shall be furnished by the governing body of the county to the commissioner of licenses except such stationery and supplies as the law now requires to be furnished by the state revenue department or the state comptroller.

Section 5. It is the intent and purpose of this act to insure that the license and tag laws of Houston County are followed by all and to provide the authority to enforce the same.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or part of laws which conflict with this Act are hereby repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA HOUSTON COUNTY

Before me, the undersigned authority in and for said County in said State, this day, personally appeared D. H. DOLSON, who is known to me and who, being by me first duly sworn, deposes and says: That he is ADVERTISING MANAGER of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 successive weeks, on the following dates: June 2, 9, 16, 23, 1975 in the Dothan Eagle, which said Dothan Eagle has a general circulation in the County in which it is published and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

D. H. DOLSON.

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Sworn to and subscribed before me on this 26 day of June 1975.

SARAH C. BOYDE,
Notary Public.

My Commission Expires 2-8-78.

By Messrs. Merrill, Burgess and Shelton:

H. 1065. To provide that bonds, notes and other securities issued by certain public hospital corporations organized in any county having a population of not less than 95,000 nor more than 115,000, according to the most recent federal decennial census, shall be exempt from laws governing usury or prescribing or limiting interest rates.

Local Legislation No. 1.

By Messrs. Hilliard, Jackson (R), Armstrong, Porter, Howard, Reed, Andrews, Hopping, Tucker, Boles, Trammell, Gafford, Falkenburg, McNeese, Harrison, Riddick, Holmes, Cooper and Shelton:

H. 1066. To exempt the Alabama Center for Higher Education from the payment of all state, county, and municipal sales and use taxes.

Ways and Means.

By Messrs. Drake, Sparks, Mitchem, Crowe, Roberts, Coburn, Cross and Kelley:

H. 1067. To further amend Section 2 of Act No. 669, H. 792, Regular Session 1939 (Acts of 1939, p. 1066), now appearing as Title 48, Section 301 (2) of Code of Alabama, Recompiled 1958, as amended, so as to exclude motor vehicles engaged in hauling live or processed poultry and eggs from the provisions of the act.

Commerce and Transportation.

By Messrs. Drake, Sparks, Mitchem, Crowe, Roberts, Coburn and Cross:

H. 1068. To amend Section 1 of Act No. 571, H. 724, 1963 Regular Session (Acts of 1963, p. 1193), entitled: "An Act Relating to taxation: To exempt wrapping and other packing materials from the State Sales and Use Tax when used in preparing poultry or poultry products for delivery, shipment, and sale," so as to include the exemption of pallets used in shipping poultry and egg products.

Ways and Means.

By Messrs. Drake, Sparks, Mitchem, Crowe, Roberts, Coburn and Cross:

H. 1069. To further amend Section 33 of Act No. 100, H. 94, 1959 Second Special Session (Acts of 1959, p. 315), as amended, entitled "An Act To raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented," so as to exempt LP gas used by agricultural producers from the state sales tax.

Ways and Means.

By Messrs. Andrews and Gregg:

H. 1070. To amend Sections 18 and 19 of Act No. 1056, S. 1, Regular Session 1973 [Acts 1973, p. 1699, now appearing in Code of Alabama, Recompiled 1958, Title 55, Sections 327(25) and 327(27)], so as to further prescribe registration of lobbyists; penalties for violation thereof and the credit of funds; and to further provide for the responsibilities of the state ethics commission.

State Administration.

By Mr. Cross:

H. 1071. Relating to the stenographic secretary appointed by the district attorney in every judicial circuit, composed of one county with a population of not less than 27,000 nor more than 27,900, so as to authorize an additional expense allowance for the stenographic secretary.

Local Legislation No. 1.

By Mr. Crowe:

H. 1072. To provide for the issuance of an occupational driver's license in certain instances; and for the requirements and procedures involved in obtaining said license; and the circumstances under which said license shall be revoked.

Highway Safety.

By Messrs. Higginbotham and Turnham:

H. 1073. To authorize each municipality in this State to acquire, finance, establish, own, use, operate, manage and control parks, playgrounds, and recreational or athletic areas situated wholly or in part outside of its corporate limits; to provide the conditions upon which a park, playground, or recreational or athletic area may be used or established within the corporate limits or police jurisdiction of another municipality or within a county other than that of that in which the municipality establishing the same shall be situated; to provide that all authority heretofore and hereafter granted to municipalities with respect to parks, playgrounds, and recreational or athletic areas within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground, or recreational or athletic area located wholly or in part outside of its corporate limits; to provide that a municipality may join and co-operate with one or more other municipalities in acquiring, financing, refinancing, providing, establishing, installing, using, and managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities and in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof and that all such municipalities shall jointly have the same powers and authorities conferred by the Act upon each; to provide that neither the Act nor anything therein contained shall be construed as a restriction or limitation upon any power which a municipality might otherwise have under any laws of the State and that the Act shall be construed as cumulative of any such powers; to declare conflicting laws inapplicable; to declare that the provisions of this Act are severable; and to provide the effective date of this Act.

State Administration.

By Messrs. Sonnier and Sandusky:

H. 1074. Relating to the regulation of the practice of podiatry in Alabama; to provide that all contracts of insurance or plans or agreements for health services issued or delivered in this State shall cover and include the services performed by podiatrists under this Act.

Insurance.

By Messrs. Sonnier and Sandusky:

H. 1075. Relating to the regulation of the practice of podiatry in Alabama; further amending certain definitions; amending the amounts of certain fees; amending the reciprocity requirements; to allow the board to set additional requirements for renewal of licenses; amending

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the procedures for the issuing of licenses; amending Section 1, 8, 10, 11, 15 and 17 of Act No. 741, S. 388, Regular Session of 1967 (Acts 1967, p. 1586).

Health.

By Mr. Turnham:

H. 1076. To provide that the State Department of Mental Health shall remit a certain sum of money to out-of-state mental institutions or hospitals for the purpose of defraying expenses incurred by a dependent member of any resident taxpayer's family who has to be confined to such institution or hospital for special treatment; to provide for an additional appropriation to finance this program; to authorize the Commissioner of the Department of Mental Health to promulgate such rules and regulations necessary to implement the provisions of this act and to repeal all conflicting statutes.

Ways and Means.

By Messrs. Martin, Drake, Roberts, Reed, Cross, Trammell, Brindley, Starkey, Kelley, Manley, Mitchem, Sparks, Pegues, Killian, Moore (W), Smith (B), Lutz, Goodwin, White, Andrews, Carter, Weeks, Burgess, Crawford, Kinsey, Cates, Cooper and Warren:

H. 1077. To amend Section 1, Act No. 576, H. 235, 1963 Regular Session (Acts 1963, Vol. 2, p. 1250), to further prescribe the issuance of special motor vehicle license tags or plates to certain disabled veterans.

Ways and Means.

By Messrs. Martin, Drake, Roberts, Reed, Cross, Trammell, Brindley, Starkey, Kelley, Manley, Mitchem, Sparks, Pegues, Killian, Moore (W), Smith (B), Lutz, Goodwin, White, Andrews, Carter, Weeks, Burgess, Crawford, Kinsey, Cates, Cooper and Warren:

H. 1078. To exempt certain disabled veterans from all ad valorem taxes on the motor vehicle or vehicles which the veteran owns and has qualified for special license plates for disabled veterans.

Ways and Means.

By Messrs. Shelton, Manley, Jackson (R), Sasser, Pegues, Smith (J), Baker, Whatley, Smith (C), Sandusky, Sonnier, McCulley, Hines, Malone, Kennedy, LeFlore, Burgess, Armstrong, Taylor, Trammell, White, Andrews, Hilliard, Leonard, Howard, Hopping, Hall, Porter, Tucker, Carter, Kelley, Crowe, Robertson and Smith (M):

H. 1079. Relating to depositories; to provide that any bank, trust company or savings and loan association that receives any state, county or municipal funds must invest such funds only within Alabama, and to authorize the state superintendent of banks to promulgate any rules and regulations necessary to enforce this act.

Banking.

By Messrs. Andrews, Gafford, Moore (W), Sandusky and Biddle:

H. 1080. To further amend and reenact Act No. 422, H. 325, 1951 Regular Session (Acts of 1951, p. 745), as amended, entitled "An Act To regulate through licensure the business, occupation, or calling of real estate brokers, and real estate salesmen: defining terms; creating the Alabama Real Estate Commission, and prescribing the jurisdiction, authority, powers and duties thereof; fixing the qualifications of real estate brokers and real estate salesmen and prescribing the procedure for obtaining a license to engage in such business, occupation, or calling, providing for the suspension or revocation of licenses issued; providing

penalties for violations of this act or rules, regulations, and orders issued under the authority thereof; making appropriations; and repealing conflicting laws".

State Administration.

By Messrs. Gregg and Smith (B) (With Notice and Proof):

H. 1081. To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Triana in said County to license, regulate, and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide that the Council or other governing body of the City of Triana, in Madison County, shall have the power to suspend or revoke any retail liquor or malt or brewed beverage license issued by said city; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses; to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to provide for the revocation and suspension of licenses for certain violations; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises.

Local Legislation No. 4.

Notice and Proof H. 1081:

STATE OF ALABAMA
COUNTY OF MADISON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Triana in said County to license, regulate, and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide that the Council or other governing body of the City of Triana, in Madison County, shall have the power to suspend or revoke any retail liquor or malt or brewed beverage license issued by said city; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses; to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to provide for the revocation and suspension of licenses for certain violations; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person, firm, corporation, or association to sell or offer for sale any spirituous or vinous liquors in Madison County except at Alabama Alcoholic Beverage Control Liquor Stores, and at retail liquor establishments located within the corporate limits of the City of Triana in Madison County and licensed by the general laws of the State of Alabama, and also licensed by the City of Triana as herein provided.

Section 2. It shall be unlawful for any person, firm, corporation, or association to sell or offer to sell any malt or brewed beverages in Madison County, Alabama, except licensees of the Alcoholic Beverage Control Board of the State of Alabama located within the city limits or the police jurisdiction of an incorporated municipality thereof. Provided, however, that any wholesaler, distributor, or jobber, or retailer licensed to sell malt or brewed beverages shall also be authorized to sell draft beer provided said draft beer shall not be held for sale or sold in containers exceeding a maximum capacity of 288 ounces. The limitation herein stated on the maximum capacity of draft beer containers shall not apply however at any time the general law of the State allows draft beer to be sold or held for sale in larger or unlimited size containers.

Section 3. The Council or other governing body of the City of Triana, in Madison County, is hereby authorized to adopt and enforce such ordinances and rules and regulations to govern the licensing and sale of spirituous or vinous liquors and malt or brewed beverages as may, from time to time, be deemed necessary or desirable, which said ordinances and rules and regulations may include any provision or regulation concerning the licensing and operation of same as could be lawfully passed by the Legislature of the State of Alabama, including but not limited to such matters as the regulation or prohibition of live entertainment, Sunday sales, minimum requirements for the service of food, and separation of establishments from other retail businesses, trades, or professions. Each licensee of the City of Triana under the provisions of this act shall, in order to be eligible for said license, meet all of the requirements of the general laws of the State of Alabama, and the rules and regulations of the Alabama Alcoholic Beverage Control Board, and in addition, shall meet such other additional and further requirements as may be provided by ordinance of the respective municipality. It shall be unlawful for any licensee of the City of Triana, licensed under the terms of any ordinance adopted pursuant to this act, to sell or offer for sale any spirituous or vinous liquors or malt or brewed beverages without, at the time, being in possession of a separate and valid license from both the Alabama Alcoholic Beverage Control Board and the municipality.

Section 4. The Council or other governing body of the City of Triana, in Madison County, shall have the power to suspend or revoke for cause after notice and hearing and retail liquor license or any retail malt or brewed beverage license issued by said City pursuant to this Act. In addition to the grounds for revocation or suspension of any said license now authorized by law, the governing body of the City of Triana may also revoke and suspend any said license issued by said City for the violation of any ordinance or rule or regulation adopted pursuant to this act, or for the failure of any licensee to continuously operate and maintain said establishment in accordance with the ordinances, rules, regulations and standards duly adopted by said governing body. All notices shall be given, all hearings shall be held, and all penalties assessed, under the same requirements and procedures which would be required for a similar act by the Alabama Alcoholic Beverage Control Board.

Section 5. On or before September 1, 1975, the governing body of the City of Triana shall classify all retail liquor and malt or brewed beverage licenses then authorized within such municipality, according to their eligibility for a license under the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama, and in accordance with any additional ordinances or rules and regulations adopted pursuant to this act, which said classification shall immediately be filed with the Alcoholic Beverage Control Board of the State. No license for the license year beginning October 1, 1975, and thereafter, shall be issued by the Alcoholic Beverage Control Board for the State for the renewal of an existing license, or for the establishment of any new license unless the same complies in all respects with the eligibility and classification requirements of the laws of the State of Alabama and the rules and regulations of the Board.

Section 6. Nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alabama Alcoholic Beverage Control Board pertaining to such licensee. The authority herein granted to the City of Triana, in Madison County, shall be cumulative and shall not relieve or suspend any other power held by said city under the general laws of the State concerning the regulation and control of alcoholic beverages, nor shall this act be held to restrict the powers of the cities and towns in this State under the municipal laws of the State.

Section 7. No applicant shall be deemed eligible for a license under this act until and unless it is the holder of all required permits from the Madison County Department of Public Health. No establishment shall be eligible for a license under this act unless the same meets the minimum requirements of the Fire Prevention Codes of the State of Alabama and of the incorporated municipality in which it is located.

Section 8. It shall be unlawful for any malt or brewed beverage licensee, or for any restaurant or hotel liquor licensee within Madison County to sell or offer for sale any alcoholic beverages, or to allow the consumption of same, on the licensed premises between the hours of 2:00 A. M. and 10:00 A. M. The governing bodies of each incorporated municipality within Madison County shall have the authority to further restrict the hours of operation of any retail malt or brewed beverage licensee, and of any retail liquor licensee located within their jurisdiction.

Section 9. It shall be the duty of each officer, owner, manager, or person in charge of any retail liquor or retail malt or brewed beverage licensed premises in Madison County to immediately make an appropriate report by telephone to the Police Department of the municipality in which the premises are located and to the Madison County Sheriff, of each assault, assault and battery, affray, or other altercation of any kind or nature occurring on the licensed premises, while said person is in charge thereof and while said premises are open for business. It shall further be the duty of said person to make a written report of each said incident to the Police Department of the municipality and to the Madison County Sheriff within 36 hours. Failure to make either of said reports shall be grounds for revocation or suspension of the license for the operation of said establishment.

Section 10. It shall be the duty of each retail liquor and malt or brewed beverage licensee in Madison County to keep prominently posted, in view of the customers or patrons of such establishment, the

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price of each drink or beverage offered or sold by said establishment at any time such prices are not so posted.

Section 11. All laws and parts of laws in conflict with this act are repealed.

Section 12. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MADISON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Ida Mae Echols, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Legal Advertising Manager of the Huntsville Times, a newspaper of general circulation published in Madison County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 14, June 21, June 28, and June 30, all in the year 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to and subscribed before me June 30, 1975.

OPAL H. DILWORTH,
Notary Public.

By Messrs. Gregg and Smith (B) (With Notice and Proof):

H. 1082. To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Huntsville in said County to license, regulate, and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide that the Council or other governing body of the City of Huntsville, in Madison County, shall have the power to suspend or revoke any retail liquor or malt or brewed beverage license issued by said city; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses; to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to provide for the revocation and suspension of licenses for certain violations; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises.

Local Legislation No. 4.

Notice and Proof H. 1082:

STATE OF ALABAMA
COUNTY OF MADISON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Huntsville in said County to license, regulate, and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide that the Council or other governing body of the City of Huntsville, in Madison County, shall have the power to suspend or revoke any retail liquor or malt or brewed beverage license issued by said city; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses; to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to provide for the revocation and suspension of licenses for certain violations; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person, firm, corporation, or association to sell or offer for sale any spirituous or vinous liquors in Madison County except at Alabama Alcoholic Beverage Control Liquor Stores, and at retail liquor establishments located within the corporate limits of the City of Huntsville in Madison County and licensed by the general laws of the State of Alabama, and also licensed by the City of Huntsville as herein provided.

Section 2. It shall be unlawful for any person, firm, corporation, or association to sell or offer to sell any malt or brewed beverages in Madison County, Alabama, except licensees of the Alcoholic Beverage Control Board of the State of Alabama located within the city limits or the police jurisdiction of an incorporated municipality thereof. Provided, however, that any wholesaler, distributor, or jobber, or retailer licensed to sell malt or brewed beverages shall also be authorized to sell draft beer provided said draft beer shall not be held for sale or sold in containers exceeding a maximum capacity of 288 ounces. The limitation herein stated on the maximum capacity of draft beer containers shall not apply however at any time the general law of the State allows draft beer to be sold or held for sale in larger or unlimited size containers.

Section 3. The Council or other governing body of the City of Huntsville in Madison County, is hereby authorized to adopt and enforce such ordinances and rules and regulations to govern the licensing and sale of spirituous or vinous liquors and malt or brewed beverages as may, from time to time, be deemed necessary or desirable, which said ordinances and rules and regulations may include any provision or regulation concerning the licensing and operation of same as could

be lawfully passed by the Legislature of the State of Alabama, including but not limited to such matters as the regulation or prohibition of live entertainment, Sunday sales, minimum requirements for the service of food, and separation of establishments from other retail businesses, trades, or professions. Each licensee of the City of Huntsville under the provisions of this act shall, in order to be eligible for said license, meet all of the requirements of the general laws of the State of Alabama, and the rules and regulations of the Alabama Alcoholic Beverage Control Board, and in addition, shall meet such other additional and further requirements as may be provided by ordinance of the respective municipality. It shall be unlawful for any licensee of the City of Huntsville, licensed under the terms of any ordinance adopted pursuant to this act, to sell or offer for sale any spirituous or vinous liquors or malt or brewed beverages without, at the time, being in possession of a separate and valid license from both the Alabama Alcoholic Beverage Control Board and the municipality.

Section 4. The Council or other governing body of the City of Huntsville, in Madison County, shall have the power to suspend or revoke for cause after notice and hearing and retail liquor license or any retail malt or brewed beverage license issued by said City pursuant to this Act. In addition to the grounds for revocation or suspension of any said license now authorized by law, the governing body of the City of Huntsville may also revoke and suspend any said license issued by said City for the violation of any ordinance or rule or regulation adopted pursuant to this act, or for the failure of any licensee to continuously operate and maintain said establishment in accordance with the ordinances, rules, regulations and standards duly adopted by said governing body. All notices shall be given, all hearings shall be held, and all penalties assessed, under the same requirements and procedures which would be required for a similar act by the Alabama Alcoholic Beverage Control Board.

Section 5. On or before September 1, 1975, the governing body of the City of Huntsville shall classify all retail liquor and malt or brewed beverage licenses then authorized within such municipality, according to their eligibility for a license under the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama, and in accordance with any additional ordinances or rules and regulations adopted pursuant to this act, which said classification shall immediately be filed with the Alcoholic Beverage Control Board of the State. No license for the license year beginning October 1, 1975, and thereafter, shall be issued by the Alcoholic Beverage Control Board for the State for the renewal of an existing license, or for the establishment of any new license unless the same complies in all respects with the eligibility and classification requirements of the laws of the State of Alabama and the rules and regulations of the Board.

Section 6. Nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alabama Alcoholic Beverage Control Board pertaining to such licensee. The authority herein granted to the City of Huntsville in Madison County, shall be cumulative and shall not relieve or suspend any other power held by said city under the general laws of the State concerning the regulation and control of alcoholic beverages, nor shall this act be held to restrict the powers of the cities and towns in this State under the municipal laws of the State.

Section 7. No applicant shall be deemed eligible for a license under this act until and unless it is the holder of all required permits from the Madison County Department of Public Health. No establishment

shall be eligible for a license under this act unless the same meets the minimum requirements of the Fire Prevention Codes of the State of Alabama and of the incorporated municipality in which it is located.

Section 8. It shall be unlawful for any malt or brewed beverage licensee, or for any restaurant or hotel liquor licensee within Madison County to sell or offer for sale any alcoholic beverages, or to allow the consumption of same, on the licensed premises between the hours of 2:00 A. M. and 10:00 A. M. The governing bodies of each incorporated municipality within Madison County shall have the authority to further restrict the hours of operation of any retail malt or brewed beverage licensee, and of any retail liquor licensee located within their jurisdiction.

Section 9. It shall be the duty of each officer, owner, manager, or person in charge of any retail liquor or retail malt or brewed beverage licensed premises in Madison County to immediately make an appropriate report by telephone to the Police Department of the municipality in which the premises are located and to the Madison County Sheriff, of each assault, assault and battery, affray, or other altercation of any kind or nature occurring on the licensed premises, while said person is in charge thereof and while said premises are open for business. It shall further be the duty of said person to make a written report of each said incident to the Police Department of the municipality and to the Madison County Sheriff within 36 hours. Failure to make either of said reports shall be grounds for revocation or suspension of the license for the operation of said establishment.

Section 10. It shall be the duty of each retail liquor and malt or brewed beverage licensee in Madison County to keep prominently posted, in view of the customers or patrons of such establishment, the price of each drink or beverage offered or sold by said establishment at any time such prices are not so posted.

Section 11. All laws and parts of laws in conflict with this act are repealed.

Section 12. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MADISON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Ida Mae Echols, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Legal Advertising Manager of the Huntsville Times, a newspaper of general circulation published in Madison County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 14, June 21, June 28, and June 30, all in the year 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

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Sworn to and subscribed before me June 30, 1975.

OPAL H. DILWORTH,
Notary Public.

By Messrs. Smith (J) and Holmes:

H. 1083. Proposing an amendment to the Constitution of Alabama 1901, providing any defendant is entitled to a speedy trial within six months from the original indictment, and prescribing conditions for a continuance beyond six (6) months.

Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Killian, Taylor, Manley and Drake:

H. 1084. Proposing an amendment to Article 1, Section 11, Constitution of Alabama 1901, permitting jury verdicts by a three-fourths majority in civil actions or proceedings.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Killian, Taylor, Manley and Drake:

H. 1085. To amend further Code of Alabama 1940, Title 7, Section 150 relative to survival of actions and causes of action in favor of and against the personal representative of a decedent.

Judiciary.

By Messrs. Killian, Taylor, Manley and Drake:

H. 1086. To provide for the repeal of Section 95, of Title 36, Code of Alabama, 1940, otherwise known as the "Guest Statute."

Judiciary.

By Messrs. Killian, Taylor, Manley and Drake:

H. 1087. To amend Code of Alabama 1940, Title 7, Section 119 relative to wrongful deaths caused by breach of warranty or sale or distribution of defective goods; and to make provisions of this act available in pending cases.

Judiciary.

By Messrs. Killian, Taylor, Manley and Drake:

H. 1088. To amend Code of Alabama 1940, Title 7, Section 123 relative to wrongful deaths caused by breach of warranty or sale or distribution of defective goods; and to make provisions of this act available in pending suits.

Judiciary.

By Messrs. Killian, Taylor, Manley and Drake:

H. 1089. To provide that contributory negligence shall not bar a recovery in a civil tort action; to institute the rule of comparative negligence.

Judiciary.

By Messrs. Killian, Taylor, Manley and Drake:

H. 1090. To provide a right of action for the wrongful death of a minor child against any person who unlawfully sells or furnishes

spirituous liquors to such minor, by amending Section 120, of Title 7, Code of Alabama 1940.

Judiciary.

By Messrs. Killian, Brindley, Taylor, Manley and Drake:

H. 1091. To amend further Title 9, Section 63, Code of Alabama 1940, so as to establish the interest rate which money judgments and decrees shall bear, and to repeal all conflicting statutes.

Judiciary.

By Messrs. Killian, Taylor, Manley and Drake:

H. 1092. To amend Section 121 of Title 7, Code of Alabama 1940, so as to provide for a right of action for a wrongful death in consequence of sale or distribution of prohibited liquors or beverages.

Judiciary.

By Messrs. Killian, Taylor, Manley and Drake:

H. 1093. To amend Section 2-607 of the Uniform Commercial Code, Act 549, S. 2, 1965 Regular Session [Acts 1965, p. 811; now appearing in Code of Alabama Recompiled 1958, Title 7A, Section 2-607] relative to notice to seller of non-conformity of goods tendered and accepted; to provide that institution of legal proceedings within the time prescribed by law shall be sufficient notice in actions involving claims for damages for injury or death to the person; and to make the provisions of Section 2-607 as amended available in pending court actions.

Judiciary.

By Messrs. Killian, Taylor, Manley and Drake:

H. 1094. To provide guidelines for the assessment of damages in actions for wrongful death.

Judiciary.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Jackson (R) and Lewis:

H. J. R. 124. COMMENDING GENERAL RUFUS L. BILLUPS.

WHEREAS Rufus L. Billups, a Birmingham native and Tuskegee Institute graduate, has recently become the first black Alabamian to hold the rank of general in the U. S. Air force; and

WHEREAS General Billups is currently deputy director of transportation. He is a specialist in this field as he has had Air Force commands in Germany, Korea, and South Vietnam; and

WHEREAS General Billups has, in the course of his career, earned the Air Medal, the Bronze Star, the Commendation Medal, the Meritorious Service Medal and the Legion of Merit; and

WHEREAS General Billups is an asset to the State of Alabama; and

WHEREAS this legislature would like to recognize and pay tribute to this great American and Alabamian who has served his country and state so well; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend General Rufus L. Billups.

RESOLVED FURTHER, That a copy of this resolution be sent to General Billups, to his wife Margaret Talton Billups, to his children Geraldine, Eric and Robert and to his mother Mrs. Christian Billups.

On motion of Mr. Jackson (R), the rules were suspended and the resolution, H. J. R. 124, was adopted.

Also:

By Mr. Lewis:

H. J. R. 125. COMMENDING GENERAL DANIEL JAMES, JR.

WHEREAS former Air Force fighter pilot Daniel James, Jr. has been nominated to be the first black four-star general in the nation's history; and

WHEREAS General James flew fighters in World War II, the Korean War and the Vietnam War; and

WHEREAS James attended Tuskegee Institute, graduating from there in 1942; and

WHEREAS James has served in a number of posts in the United States and around the world. He is currently vice commander of the Military Airlift Command at Scott Air Force Base, Illinois. When confirmed by the Senate, he will become commander in chief of the North American Air Defense Command and commander of the Aerospace Defense Command; and

WHEREAS General James has unselfishly and generously given his time and efforts to the American cause; now therefore **BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we most heartily commend General Daniel James, Jr. and wish him success in his new command.

BE IT RESOLVED FURTHER, That a copy of this resolution be sent to General James.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 125, on the Clerk's desk for one legislative day.

Also:

By Mr. Andrews:

H. J. R. 126. URGING THE CITIZENS OF ALABAMA TO WRITE NASA AND REQUEST THAT THE BIBLE BE READ FROM ON THE NEXT SPACE FLIGHT ON JULY 15, 1975.

WHEREAS the Bible was read from on the last space flight and the plan is for it to be read from on the next flight on July 15; and

WHEREAS it is the right of any human being to express his/her faith in God and the Bible publicly; and

WHEREAS there are some atheists who are demanding that the astronauts be publicly censored for their decision to read the Bible; and

WHEREAS the citizens of this state need to express their concern and their desire that the Bible be read from on the upcoming space flight; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily urge Alabamians to write the National Aeronautics Space Administration, Manned Flight Center, Astronaut Office, Houston, Texas 77058 and express their support of the astronauts reading the Bible.

RESOLVED FURTHER, That a copy of this resolution be sent to the National Aeronautics Space Administration.

On motion of Mr. Andrews, the rules were suspended and the resolution, H. J. R. 126, was adopted.

Also:

By Mr. Holmes:

H. J. R. 127. ENCOURAGING THE STATE PERSONNEL DIRECTOR NOT TO AUTHORIZE THE PROVISIONAL APPOINTMENT OF ANY APPOINTEE TO A POSITION IN THE CLASSIFIED SERVICE UNTIL A PUBLIC ANNOUNCEMENT HAS BEEN MADE THAT SUCH POSITION IS VACANT.

WHEREAS Code of Alabama 1940, Title 55, Section 308 provides for certain extraordinary appointments to positions normally subject to be filled through merit system procedures; and

WHEREAS provisional appointments are allowed under said Section 308, subject to authorization by the State Personnel Director, whenever peculiar or exceptional qualifications are required, or where no merit system classification exists; and

WHEREAS these provisional appointments are often filled before many of those persons possessing such peculiar or exceptional qualifications know that a vacancy in such position exists; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we encourage the State Personnel Director to refuse to authorize the provisional appointment of any appointee to a position in the classified service until reasonable notice has been given to the public that such position is vacant.

The resolution, H. J. R. 127, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Smith (M):

H. R. 128. WHEREAS, Mr. and Mrs. H. Dee Hall were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over one-half century; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of Randolph County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. H. Dee Hall over the last one-half century; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. H. Dee Hall for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. H. Dee Hall Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. H. Dee Hall.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 128, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 129. WHEREAS, Mr. and Mrs. J. R. Young were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over one-half century; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of Randolph County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. J. R. Young over the last one-half century; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. J. R. Young for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. J. R. Young Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. J. R. Young.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 129, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 130. WHEREAS, Mr. and Mrs. E. C. Noles were legally joined together in holy matrimony; and

WHEREAS, they have remained in said holy state for over one-half century; and

WHEREAS, they have honored their marriage vows of so long ago and kept each other in sickness and in health; and

WHEREAS, they have loved and honored each other above all other people and defended each other against all things injurious; and

WHEREAS, they have been exemplary citizens of Randolph County and have set an enviable example for posterity to follow:

NOW, THEREFORE, BE IT RESOLVED, that the Alabama House of Representatives does hereby acknowledge the sublime example set by Mr. and Mrs. E. C. Noles over the last one-half century; and

BE IT FURTHER RESOLVED, that the State of Alabama does on this occasion take time to gratefully thank Mr. and Mrs. E. C. Noles for all their enduring efforts to make this world a better place to live; and

BE IT EVEN FURTHER RESOLVED, that the date of the consummation of their marriage be hereafter and forevermore celebrated as Mr. and Mrs. E. C. Noles Memorial Day. Also be it resolved, that a copy of this resolution be sent to Mr. and Mrs. E. C. Noles.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 130, on the Clerk's desk for one legislative day.

Also:

By Messrs. Hilliard and Porter:

H. J. R. 131. Wishing Representative Jackson a happy birthday.

WHEREAS, Our colleague, Representative Ronald Edward Jackson is observing his birthday today; and

WHEREAS, We want to assure our friend Ronald Edward Jackson that he is still several years short of being a senior citizen;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That we do wish for Representative Jackson a felicitous anniversary of his birth, and wish for him many happy returns.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 131, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Mitchell:

S. 160. To amend Section 1 of Act No. 22, H. 1, Regular Session 1953 (Acts 1953, p. 25), providing for the speed of motor vehicles on the highways of this State so as to give the Governor certain authority to establish a different rate of speed in order to receive federal funds.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 160. Highway Safety.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 96. To provide that any person in this state at the arrival at the age of eighteen years shall be relieved of their disabilities of minority.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Mr. Merrill offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 96, said Senate amendment being as follows:

Change the word "eighteen" wherever it appears in the bill to read "nineteen", and also insert the word "of" at the end of line 24, Section 1, Page 1.

SUBSTITUTE MOTION TABLED

On motion of Mr. Merrill, the substitute motion offered by Mr. Lutz that the House non-concur in the Senate amendment to the bill, H. 96, and request a Committee on Conference, was tabled.

Yeas 65; Nays 27.

Yeas:

Mr. Speaker, Armstrong, Baker, Brindley, Burgess, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Leonard, McCluskey, McNair, McNeas, Malone, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Plaster, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Sonnier, Starkey, Tucker, Turnham, Warren, Weeks, Williams and Wyatt.

—65

Nays:

Messrs.: Albright, Andrews, Barron, Boles, Carothers, Drake, Ford, Greer, Holley, LeFlore, Lewis, Lockett, Lutz, McCulley, Moore (W), Morris, Pegues, Quarles, Reed, Smith (C), Smith (M), Sparks, Taylor, Trammell, Venable, Waggoner and White.

—27

AMENDMENT ADOPTED

On motion of Mr. Merrill, the House concurred in and adopted the Senate amendment to the bill, H. 96.

Yeas 78; Nays 13.

Yeas:

Mr. Speaker, Armstrong, Baker, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Kinsey, LeFlore, Leonard, McCluskey, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Plaster, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Sonnier, Starkey, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—78

Nays:

Messrs.: Albright, Andrews, Barron, Holley, Lewis, Lutz, McCulley, Pegues, Quarles, Smith (C), Smith (M), Taylor and Trammell.

—13

And the bill:

H. 96. To provide that any person in this state at the arrival at the age of nineteen years shall be relieved of their disabilities of minority.

As thus amended, was again read at length and passed.

Yeas 78; Nays 10.

Yeas:

Mr. Speaker, Armstrong, Baker, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Kinsey, LeFlore, Leonard, Lewis, McCluskey, McCulley, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Sonnier, Starkey, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

—78

Nays:

Messrs.: Albright, Andrews, Barron, Holley, Lutz, Pegues, Smith (C), Smith (M), Taylor and White.

—10

RESOLUTIONS

The following resolutions introduced on the eleventh legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 117. MOURNING THE DEATH OF MRS. LUCINDA BROWN ROBEY.

H. J. R. 119. COMMENDING DR. MORT GLOSSER ON HIS RETIREMENT AS SUPERINTENDENT OF GADSDEN CITY SCHOOLS.

H. R. 122. COMMENDING THE C. W. HAYES HIGH SCHOOL ("PACESETTER") GIRL TRACK TEAM FOR WINNING THE STATE CHAMPIONSHIP TWO CONSECUTIVE YEARS.

On motion of Mr. Crowe, the resolutions were adopted en masse.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 105, and ordered same returned to the House with a favorable report:

H. J. R. 105. PETITIONING THE CONGRESS OF THE UNITED STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION WHICH WOULD PROHIBIT DEFICIT SPENDING BY THE GOVERNMENT OF THE UNITED STATES, EXCEPT IN TIMES OF NATIONAL EMERGENCY.

On motion of Mr. McMillan, the resolution, H. J. R. 105, was adopted.

BILLS ON THIRD READING

And the bill:

H. 411. To provide for the release of inmates of the city jail at the discretion of the judge of recorders court at the time of sentencing, or at the discretion of the mayor of the city at any time during the term of the sentence of such inmates, for the purpose of allowing such inmates to work at gainful employment during the term of sentence, or for the purpose of allowing an inmate to further his education; to provide for the administration of the work release program provided by this Act; to provide for the adoption of rules, regulations and policies governing the release of inmates for work and educational release; to provide for the adoption of rules and regulations concerning the disbursement and deposit of earnings of inmates participating in the work release program.

Having been postponed on the tenth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Jolly, Kelley, Kennedy, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Waggoner, Warren, Weeks, Williams and Wyatt.

—85

And the bill:

H. 893. To amend Section 1, Act No. 667, H. 1789, Regular Session 1973 (Acts of 1973, p. 1005), entitled "An Act Relating to all counties

having populations of not less than 16,245 nor more than 16,300; providing additional clerk hire allowances for the offices of the probate judge, tax assessor, tax collector and circuit clerk in such counties," so as to provide for an increase in the amount of said allowances.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jolly, Kelley, Kennedy, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—79

And the bill:

H. 894. To amend Section 1 of Act No. 665, H. 1787, 1973 Regular Session (Acts of 1973, p. 1004), entitled "An Act To provide expenses allowances for members of the county commission of all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census," so as to increase the amount of the expense allowance.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Jolly, Kelley, Kennedy, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—76

And the bill:

H. 920. To provide for additional expense allowances for certain public officials in Washington County.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Edwards,

Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—81

And the bill:

H. 926. To amend Section 2 of Act No. 992, S. 710, Regular Session 1969 (Acts 1969, p. 1756) relating to the county superintendent of education of Crenshaw County, so as to further regulate his compensation.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—84

And the bill:

H. 929. Relating to Coosa County; providing additional expense allowance for members of the county commission, making the provisions of this act retroactive.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Kelley, Kennedy, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—85

Nay: Mr. Tucker.

—1

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And the bill:

H. 950. Relating to Colbert County; to provide for the compensation of certain officers and officials in such county; to provide for referendum approval of said compensation and to repeal conflicting statutes only if the results of said referendum are affirmative.

Was taken up.

Mr. Coburn offered the following substitute to the bill:

A BILL
TO BE ENTITLED
AN ACT

Relating to Colbert County; to provide for the compensation of certain officers and officials in such county; to provide for referendum approval of said compensation as to each officer and to repeal laws or parts of laws in conflict with the provisions hereof which become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. Each county officer listed below shall be compensated on a salary basis as follows, but only if such salary is approved by the referendum hereinafter provided for:

(A) probate judge	\$17,500.00 per annum
(B) tax assessor	\$15,500.00 per annum
(C) tax collector	\$15,500.00 per annum
(D) clerk of the circuit court	\$15,500.00 per annum
(E) register of the circuit court	\$12,500.00 per annum
(F) Chairman of the county commission	\$15,500.00 per annum
(G) county coroner	\$ 5,400.00 per annum
(H) associate county commissioners	\$ 5,400.00 per annum

each

(I) members of the board of education \$25.00 per member for each days attendance at meetings of the board

Section 2. The compensation provided for each officer in this Act shall, when approved by referendum, be paid from the general funds of the county in the same manner now provided by law for payment of the compensation of such officers.

Section 3. The provisions of this act relating to compensation for each of the offices listed above shall become operative only if the rate of compensation hereinabove provided for that office is first approved by a majority of the qualified electors of the county voting at a referendum election held for such purpose. The election shall be held and conducted within 30 days after the passage of this Act and approval by the governor or its otherwise becoming law. Notice of the election shall be given by the judge of probate of the county, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Shall the rates of compensation as provided in Act No. _____ of the 1975 Regular Session of the Legislature, approved the _____ day of _____ 1975 be adopted as to the following county officers:

(A) probate judge \$17,500.00 per annum? yes ()
no ()

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- (B) tax assessor \$15,500.00 per annum? yes ()
no ()
- (C) tax collector \$15,500.00 per annum? yes ()
no ()
- (D) clerk of the circuit court \$15,500.00 per annum? yes ()
no ()
- (E) register of the circuit court \$12,500.00 per annum? yes ()
no ()
- (F) chairman of the county commission \$15,500.00 per annum?
yes ()
no ()
- (G) county coroner \$ 5,400.00 per annum? yes ()
no ()
- (H) associate county commissioners \$ 5,400.00 per annum each?
yes ()
no ()
- (I) members of the board of education \$35.00 per member
for each days attendance at meetings of the board? yes ()
no ()"

If a majority of the votes cast on a question are affirmative, the provisions of this Act relating to that question shall be in full force and effect beginning October 1, 1975, and all laws or parts of laws in conflict with such provisions are repealed. If a majority of the votes on a question are negative, then the provisions of this Act relating to that question are null and void and all laws which regulated the compensation of the county officers included in such question prior to the referendum herein provided for shall continue to have the force and effect of law.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—84

And the bill:

H. 950. Relating to Colbert County; to provide for the compensation of certain officers and officials in such county; to provide for referendum approval of said compensation as to each officer and to repeal laws or parts of laws in conflict with the provisions hereof which become effective.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Boles, Brindley, Callahan, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Warren, Weeks, White, Williams and Wyatt.

—75

H. 920 RECONSIDERED

Having voted on the prevailing side, Mr. McCulley moved to reconsider the vote by which the bill, H. 920, was passed, and the motion was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Boles, Brindley, Burgess, Callahan, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—82

H. 920 POSTPONED

On motion of Mr. McCulley, the bill, H. 920, was postponed to the fourteenth legislative day.

And the bill:

H. 108. (With Amendment): To provide an additional expense allowance for the District Attorney of the Twenty-Sixth Judicial Circuit of Alabama.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 108 on line 23 by inserting after the word circuit the following words: at the discretion of the county commissioners of such counties.

And the amendment was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Boles, Brindley, Burgess, Callahan, Carothers, Carter, Cates, Clark, Crawford, Cross, Dial, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—80

And the bill, H. 108 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kennedy, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—82

And the bill:

H. 109. (With Amendments): Relating to Russell County, providing that the salary of the district attorney's secretary shall be set and paid by the county governing body of Russell County.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

In Section 1, line 18 strike the word, "Sixteenth", and insert in lieu thereof the word: Twenty-sixth

And the amendment was adopted.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Dial, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan,

McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—88

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 109 on line 21 by inserting after the word county a comma and the following words: at the discretion of the county commission.

And the amendment was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—84

And the bill, H. 109 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate, without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Burgess, Callahan, Campbell, Carter, Cates, Clark, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—84

And the bill:

H. 110. (With Amendment): Relating to counties having a population of not less than 42,000 nor more than 49,500 according to the

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most recent federal decennial census; to create the office of investigator for the district attorney; to provide for his duties, authority and compensation.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 110 on line 27 of page 1 by inserting after the word attorney, the following words: and the county commission.

Also amend H. B. 110 on line 36 of page 1 by inserting after the word body the following words: not to exceed \$3,000 per year.

And the amendment was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—78

And the bill, H. 110 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—82

And the bill:

H. 923. (With Amendment): Relating to Russell County; to prescribe the civil jurisdiction and the trial tax rate of the Inferior Court; to provide for the compensation and expense allowances of the judge and constables presiding over said court; to provide that the clerk of

the circuit court of said county shall also serve as the ex officio clerk of the Inferior Court and to repeal all conflicting statutes.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 923 on line 33 of page 1 by inserting a comma after the word county and inserting the following words: at the discretion of the county commission.

Also amend H. B. 923 line 5 of page 2 by inserting a comma after the word county and inserting the following words: at the discretion of the county commission.

And the amendment was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—83

And the bill, H. 923 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 931. To amend Section 3 of Act No. 200, H. 120, 1969 Special Session (Acts 1969, p. 263) entitled "An act to provide for Walker County a civil service system governing the appointment, removal,

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salaries, tenure and official conduct of employees of the county, defining violations of the Act; imposing penalties for violations; and repealing conflicting laws" so as to provide for the inclusion of certain other employees under the provision of the Act.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—86

H. 931 RECONSIDERED

Having voted on the prevailing side, Mr. Crowe moved to reconsider the vote by which the bill, H. 931, was passed, and the motion was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—90

H. 931 INDEFINITELY POSTPONED

On motion of Mr. Crowe, the bill, H. 931, was indefinitely postponed.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines,

Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—86

And the bill:

H. 935. To amend further the title and Section 1 of Act No. 853, H. 1152, Regular Session 1961 (Acts 1961, p. 1292), as amended, which requires the commissioner and state department of revenue to collect sales taxes for the town of Camp Hill, Tallapoosa County.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—86

And the bill:

H. 941. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of McKenzie, in Butler County.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Martin, Moore (O), Moore (W), Morris, Naramore, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—81

UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

H. 224. To amend Act No. 430, H. 222, Regular Session 1953 (Acts 1953, p. 535), which provides that the right of a person to work shall not be denied or abridged on account of membership or non-membership in any labor union or organization, so as to allow the making of agency shop contracts requiring non-union employees to pay an amount equal to union dues to the union representing like employees.

As amended was taken up.

H. 224 POSTPONED

The question was again on the motion offered by Mr. Gregg on the eleventh legislative day to postpone the bill, H. 224 as amended, to the thirty-sixth legislative day, and the motion was adopted.

Yeas 52; Nays 48.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Edwards, Folmar, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Jackson (F), Kelley, Killian, Kinsey, Leonard, Lutz, McCluskey, McMillan, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Turnham, Venable, Waggoner, Warren, Weeks, Whatley and White.

—52

Nays:

Messrs.: Albright, Andrews, Boles, Burgess, Coburn, Cooper, Crowe, Drake, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Harrison, Hill, Hilliard, Holmes, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kennedy, Lee, LeFlore, Lewis, Lockett, McCulley, McNair, Malone, Merrill, Moore (O), Naramore, Plaster, Porter, Reed, Rich, Robertson, Shelton, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Williams and Wyatt.

—48

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 96. To provide that any person in this state at the arrival at the age of nineteen years shall be relieved of their disabilities of minority.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at

length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

UNFINISHED BUSINESS RESUMED

And the bill:

H. 55. To provide that boards of control of local school systems, institutions and agencies make available payroll deduction of dues for the local affiliate of any statewide educators' organization if their employees request this service.

As amended on the ninth legislative day was taken up.

The question was then on the adoption of the substitute offered by Mr. Coburn to the bill, H. 55 as amended, on the eleventh legislative day.

SUBSTITUTE TABLED

On motion of Mr. White, the substitute offered by Mr. Coburn to the bill, H. 55 as amended, was tabled.

Yeas 37; Nays 34.

Yeas:

Messrs.: Armstrong, Baker, Barron, Callahan, Campbell, Carter, Clark, Crawford, Cross, Folmar, Gafford, Gregg, Hall, Harris, Higginbotham, Hilliard, Holley, Kinsey, Lee, Leonard, McMillan, Manley, Martin, Moore (O), Moore (W), Morris, Pegues, Quarles, Riddick, Roberts, Sasser, Smith (B), Smith (C), Turnham, Waggoner, Whatley and White.

—37

Nays:

Mr. Speaker, Boles, Brindley, Coburn, Cooper, Ford, Goodwin, Greer, Hines, Holmes, Jackson (F), Kelley, Kennedy, Killian, Lewis, McNair, McNees, Malone, Naramore, Owens, Plaster, Porter, Rich, Robertson, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Warren, Weeks, Williams and Wyatt.

—34

H. 55 INDEFINITELY POSTPONED

On motion of Mr. Coburn, the bill, H. 55 as amended, was indefinitely postponed.

Yeas 68; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carter, Clark, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Folmar, Ford, Goodwin, Greer, Gregg, Higginbotham, Hines, Holley, Holmes, Jackson (F), Kelley, Kinsey, Lee, Leonard, Lewis, Lutz, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—68

Nays: Messrs. Barron and Kennedy.

—2

BILLS ON THIRD READING RESUMED

And the bill:

H. 226. To require every person using, operating or driving a motor vehicle upon or over the roads and highways of the State of Alabama to bring said motor vehicle to a complete stop when approaching a church bus, or other vehicle used in transporting persons to and from church, while said church bus or other vehicle used in transporting persons to and from church is engaged in taking on or discharging passengers and prescribing the penalty for violating the provisions of this act.

Having been temporarily postponed on the seventh legislative day was taken up.

H. 226 POSTPONED

On motion of Mr. Smith (M), the bill, H. 226, was postponed to the thirteenth legislative day.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Gafford to suspend the rules in order to bring up out of order the bill, H. 899, was lost.

BILLS ON THIRD READING RESUMED

And the bill:

H. 228. To amend the Code of Alabama 1940, Title 36, Section 5(1), which establishes a state maximum speed limit for motor vehicles on the highways of Alabama, to provide for a maximum speed of 55 miles per hour.

Having been postponed on the eleventh legislative day, was taken up.

H. 228 POSTPONED

On motion of Mr. Smith (M), the bill, H. 228, was postponed to the thirteenth legislative day.

And the bill:

H. 314. To provide for the control and disposal of solid wastes as generated by the general public, businesses, institutions, and industry, and to require counties and municipalities to provide for the collection and disposal of solid wastes and authorize them to charge a fee therefor, and to contract for such services to be performed by others and to permit the formation of districts for areas beyond corporate limits or cooperative joint or mutual agreements between county governments and municipal governments for the operation and implementation of solid wastes management in a manner meeting public health standards, and granting authority for the establishment of rules and regulations to enforce the provisions of this Act, and to provide a penalty for violating this Act and rules and regulations pursuant thereto in the interest of the public health, comfort and safety.

Having been temporarily postponed on the eleventh legislative day was taken up.

Mrs. Quarles offered the following amendment No. 1 to the bill:

In Section 2. (a), on page 4, lines 20 and 23 strike out the words "the general public," and insert in lieu thereof the word: persons

Also in said Section 2. (a), on page 4, after line 33, add at the end and as a part of said Section 2. (a) the following sentence: The term of all contracts or franchises granted pursuant to this section shall not exceed five years.

Also in said Section 2. (e), page 6, line 25, strike out the words, "on a competitive bid basis," and insert in lieu thereof the following: in compliance with the Alabama Competitive Bid Law

Also in Section 4. (c), page 10, between lines 9 and 10, insert at the end and as a part of Section 4 (c) the following: The accomplishment of solid waste management practices, within the meaning of this Act, shall be within a period of not more than one year following the signing of this Act into law. This Act shall not have any effect on contracts or franchises presently in existence, nor shall this Act have retroactive application.

And the amendment was adopted.

Yeas 42; Nays 0.

Yeas:

Messrs.: Albright, Baker, Barron, Brindley, Callahan, Campbell, Coburn, Cross, Dial, Ford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Jackson (F), Kelley, LeFlore, Leonard, Lewis, Lutz, McCluskey, McNair, Martin, Mitchem, Moore (O), Naramore, Owens, Porter, Quarles, Reed, Roberts, Robertson, Smith (B), Smith (J), Venable, Weeks, White, Williams and Wyatt.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mrs. Quarles offered the following amendment No. 2 to the bill, H. 314 as amended:

Amend H. B. 314 on page 2, line 7 in Section 1 (d) by deleting such subsection in its entirety and substituting therefor the following:

(d) Ashes: The solid residue from burning of wood, coal, coke, or other combustible material used for heating or from incinerating of solid wastes, but excepting solid residue the storage or disposition of which or from which the discharge of effluent is controlled by other agencies.

And the amendment was adopted.

Yeas 36; Nays 0.

Yeas:

Messrs.: Albright, Barron, Brindley, Callahan, Campbell, Cooper, Dial, Ford, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Jackson (F), Kelley, LeFlore, Leonard, Lewis, Lutz, McCluskey, McNair, Martin, Mitchem, Owens, Quarles, Reed, Roberts, Robertson, Smith (B), Smith (J), Sparks, Venable, Weeks and White.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 314 POSTPONED

On motion of Mr. Killian, the bill, H. 314 as amended, was postponed to the fourteenth legislative day.

And the bill:

H. 227. To make an appropriation to the Division of Game and Fish, Department of Conservation and Natural Resources from the Game and Fish Fund for the purchase of radio communications equipment.

Having been postponed on the eleventh legislative day, was taken up.

H. 227 POSTPONED

On motion of Mr. Smith (M), the bill, H. 227, was postponed to the thirteenth legislative day.

And the bill:

H. 296. To amend Section 170 of Act No. 407 of the Regular Session 1971, approved August 25, 1971, entitled, "An Act to provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations; and the admission of foreign alien insurance companies, societies, and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies and associations organized, existing, or authorized under this Act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violations of this Act; to repeal certain laws and Acts, and for other purposes;" so as to authorize the Commissioner of Insurance to issue licenses to nonresident persons in cases where the applicant for license is sponsored to the Department of Defense to solicit life and disability insurance from military personnel of the United States on military bases of such country outside its continental limits and within the geographical limits of jurisdictions which do not regulate the solicitation of such applications for insurance on such military bases.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carter, Clark, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Folmar, Ford, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Holley, Jackson (F), Jolly, Kelley, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Morris, Owens, Pegues, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Teague, Tucker, Venable, Warren, Whatley, Williams and Wyatt.

—65

And the bill:

H. 192. (With Amendment): To prescribe, authorize and regulate investments of life, disability, and burial insurance companies.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Insurance, said committee amendment being as follows:

Amend H. 192 by deleting the words "and non-profit health service association" appearing on page 1, line 25.

Further amend H. 192 by inserting after the word "mining" as it appears on line 56 of page 10 the words "computer equipment,".

Further amend H. 192 by deleting lines 34 through 62 appearing on page 14, and lines 1 through 27 appearing on page 15 and substituting in its place the following:

"1) Bonds, notes or other evidences of indebtedness which are secured by a first mortgage lien or deed of trust upon unencumbered improved real property located in the United States or Canada, including leasehold estates in such real estate having an unexpired term (inclusive of the term or terms which may be provided by options of renewal) of not less than ten (10) years beyond the final maturity of the loan. Unless guaranteed or insured by the Administrator of Veterans Affairs, the Federal Housing Commissioner, or by a mortgage guaranty insurance policy issued by an insurance company licensed and authorized to do business by and in the State of Alabama, no such mortgage loan or loans when made shall exceed seventy-five percent (75%) of the fair value of the real estate or leasehold, except that loans made on single family dwellings shall not exceed eighty percent (80%) of the fair value of the property. "Fair Value" shall be determined by a competent appraiser or appraisers. For the purposes of this Section and Section 30, real estate shall not be deemed to be encumbered by reason of the existence of taxes or assessments that are not delinquent, instruments creating or reserving mineral, oil or timber rights, rights of way, joint driveways, sewer rights, public utility easements, rights in walls, nor by reason of building restrictions or other restrictive covenants, nor when such real estate is subject to lease in whole or in part whereby rents or profits are reserved to the owner; provided that the security created by the mortgage or trust deed on the real estate is a first lien upon such real estate and that there is no condition or right of re-entry or forfeiture under which such lien can be cut off, subordinated or otherwise disturbed."

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Further amend H. 192 by adding after the word "act." as it appears on line 33 of page 20 as follows:

"Domestic Life Insurance Companies are authorized to invest, within the limitations set forth herein, in chattel mortgages resulting from the financing of tangible personal property which mortgages must constitute valid first liens in the chattels mortgaged. The maximum amount of such mortgages to be admitted as assets shall not exceed one half of the amount of surplus remaining after deducting from policyholders' surplus an amount equal to the sum of (a) statutory minimum capital and surplus required of newly organized life insurance companies and (b) one half of the liabilities listed in the annual statement of the company filed with the Commissioner of Insurance for the year next preceding. In addition, an adequate reserve for losses, based on past and prospective experience of the company, shall be maintained at all times."

Further amend H. 192 by deleting lines 30 through 64 appearing on page 26 and lines 1 through 5 appearing on page 27.

Further amend H. 192 by deleting the number 43, 44, and 45 appearing on lines 8, 23, and 30 on page 27, respectively, and substituting in its place the numbers 42, 43, and 44, respectively.

And the amendment was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hines, Holley, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Lewis, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Cooper, Albright, Starkey, Smith (C), Lewis, Goodwin, Crowe, Naramore, Edwards, Wyatt, Venable, Sasser, Tucker, Weeks, Warren, Jolly, Andrews, Howard, Plaster, McNees, Trammell, Moore (O), Carter, Folmar and Reed as co-sponsors to the bill, H. 192.

AMENDMENT OFFERED

Mr. Owens offered the following amendment to the bill, H. 192 as amended:

Amend H. 192 by deleting the last word on line 49 appearing on page 12 and the entire lines 51, 53, and 55 appearing on said page 12.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Clark, Coburn, Cooper, Crawford, Cross, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Rich, Roberts, Sasser, Shelton, Smith (P), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Venable, Warren, White, Williams and Wyatt.

—72

And the bill, H. 192 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Howard, Jackson (F), Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—84

MOTION TO ADJOURN LOST

The motion offered by Mr. Killian that the House adjourn until 12:00 o'clock noon, Thursday, July 10, 1975, was lost.

Yeas 17; Nays 61.

Yeas:

Messrs.: Brindley, Cates, Coburn, Falkenburg, Goodwin, Kennedy, Killian, Lockett, Malone, Manley, Morris, Porter, Riddick, Sandusky, Starkey, Tucker and Waggoner.

—17

Nays:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Boles, Campbell, Carothers, Carter, Clark, Cooper, Crawford, Cross, Folmar, Ford, Glass, Greer, Gregg, Higginbotham, Hill, Hilliard, Hines, Holmes, Howard, Jackson (F), Kelley, Lee, Leonard, Lewis, Lutz, McCluskey, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Taylor, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—61

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Crawford to suspend the rules in order to bring up out of order the bill, H. 507, was lost lacking a four-fifths vote.

Yeas 61; Nays 16.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Burgess, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Holley, Jackson (F), Jolly, Killian, Kinsey, Lewis, Lutz, McNees, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Pegues, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—81

Nays:

Messrs.: Brindley, Cates, Cooper, Hall, Harrison, Holmes, Howard, Johnstone, Kennedy, Lee, LeFlore, Leonard, Lockett, McMillan, Naramore and Wyatt.

—16

And the bill:

H. 193. To amend Section 54 of Act No. 407, Acts of Alabama 1971, codified into Section 54, Title 28A, Code of Alabama 1940 (recompiled 1958) by raising the capital requirements of insurance companies.

Was taken up.

Mr. Owens offered the following amendment to the bill:

Amend H. 193 by deleting the phrase "Section 2" where it appears on line 34 on page 1.

Further amend H. 193 by deleting the number "3" as it appears on line 13 of page 3 and substituting in its stead the number "2"; by deleting the number "4" where it appears on line 19 of page 3 and substituting the number "3"; by deleting the number "5" as it appears on line 27 of page 3 and substituting the number "4".

And the amendment was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McMillan, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Quarles, Rich, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—69

And the bill, H. 193 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 1.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Holley, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—76

Nay: Mr. Holmes.

—1

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Crawford the rules were suspended in order to bring up out of order the bill, H. 507.

Yeas 78; Nays 9.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Hill, Hines, Holley, Jackson (F), Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—78

Nays:

Messrs.: Cates, Hall, Harrison, Holmes, Howard, Johnstone, Kennedy, Naramore and Porter.

—9

And the bill:

H. 507. To amend Section 5 of Act No. 37, H. 175, 1962 Extraordinary Session (Acts of 1962, p. 88; now appearing in Code of Alabama, Recompiled 1958, Title 51, Section 188 (14)), entitled "An Act To raise revenue; to levy an excise tax on account of the use, storage or consumption in the State of Alabama of certain utility services; to prescribe the rates thereof and exclusions therefrom; to provide the method of collecting such tax and the method of enforcing payment thereof; to provide for the disposition of the proceeds from the said tax; and to repeal all laws in conflict with this Act;" so as to exclude electricity used or consumed in the isotopic enrichment of uranium from taxation under the provisions of the act.

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Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 5.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hines, Holley, Jackson (F), Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Porter, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—77

Nays: Messrs. Cates, Hall, Holmes, Johnstone and Naramore.

—5

And the bill:

H. 194. (With Amendments): To amend Sections 201 (2) (a) (c) (e) of Act No. 407, Acts of Alabama, 1971, which sets up standards of eligible surplus lines insurers so as to undate and strengthen existing laws by raising capital requirements of authorized surplus lines insurers to \$1,500,000.00; to stop unfair discrimination in doing business with qualified surplus lines insurers; to foreclose operation in such a manner as to avoid payment of surplus lines tax.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Insurance, said committee amendment being as follows:

Amend H. B. 194 by deleting the words "least one million five hundred thousand dollars (\$1,500,000.00)" on line 13 and substitute in lieu thereof the following "least seven hundred, and fifty thousand dollars (\$750,000.00)"

And the amendment was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Jackson (F), Johnstone, Jolly, Kennedy, Kinsey, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Porter, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Teague, Trammell, Turnham, Waggoner, Warren, Weeks and Whatley.

—70

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Insurance, said committee amendment being as follows:

Amend H. B. 194 by deleting all words on lines 1 through 5 of Page 2 and substitute in lieu thereof the following words "involved, and with capital and/or surplus amounting to at least one million five hundred thousand dollars (\$1,500,000.00); or guaranteed trust fund amounting to at least \$750,000.00"

And the amendment was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Burgess, Callahan, Carothers, Carter, Clark, Coburn, Cooper, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Porter, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley and Williams.

—71

And the bill, H. 194 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Porter, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—80

And the bill:

H. 195. To establish within the Department of Insurance a Receivership Division, to provide for the management thereof and to enumerate the duties, responsibilities and authority to be conferred thereon.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee,

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LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—84

Nay: Mr. Gafford.

—1

And the bill:

H. 196. To amend Section 525(6) of Act No. 407, Acts of Alabama 1971 which excepted all insurance companies licensed in Alabama prior to 1972 from the provision of Section 525 above which required the home office, records, and assets of domestic companies to remain in Alabama.

Was taken up.

Mr. Owens offered the following amendment to the bill:

Amend H. 196 by deleting the numbers "3" and "4" as they appear on lines 55 and 61, respectively, of page 3 and substitute in their place the numbers "2" and "3" on lines 55 and 61, respectively, appearing on page 3. Delete the number "5" as it appears on line 1 of page 4 and substitute in its place the number "4" on line 1 as it appears on page 4.

And the amendment was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kinsey, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

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And the bill, H. 196 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hines, Holley, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Porter, Quarles, Rich, Roberts, Robertson, Sandusky,

Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—83

Nay: Mr. Holmes.

—1

And the bill:

H. 124. To provide protection to policyholders and beneficiaries of insolvent insurers in receivership by establishing a priority of certain claims to be allowed by receivership courts so as to make policyholders and beneficiaries of such insurers preferred creditors; and to make further provision for protection of policyholders by authorizing receivers of such insurers to transfer to solvent insurers certain assets of receivership estates as consideration or as reserves for reinsurance of policies of insolvent insurers upon hearing and approval of the appropriate circuit court having jurisdiction of such case or cases; and to provide for priorities of claims among classes of policyholders and beneficiaries; and to relieve the receiver of any civil liability to creditors for acts performed pursuant to such court orders.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Cooper as co-sponsor to the bill, H. 124.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Kinsey:

H. J. R. 132. REQUIRING THE BUILDING COMMISSION TO PLACE FRICTION TREAD ON THE CAPITOL STEPS.

WHEREAS, over the past months a great number of persons have slipped and fallen on the marble steps of the Capitol Building; and

WHEREAS, the marble treads of such stairs are extremely slippery and dangerous when damp; and

WHEREAS, the protection of ourselves, employees, visitors, and fellow-citizens is our duty; now therefore,

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BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Building Commission, and the Chief of Services, Division of Finance, be authorized, empowered, and directed to promptly cause a suitable high co-efficient of friction tread be superimposed upon the tread of all marble, granite, or other natural stone stairs of the Capitol Building both inside and outside.

The resolution, H. J. R. 132, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Kinsey:

H. J. R. 133. CONGRATULATING MR. & MRS. GEORGE V. MAHONEY ON THEIR GOLDEN WEDDING ANNIVERSARY.

WHEREAS Mr. & Mrs. George V. Mahoney of Mifflin celebrated their Golden Wedding Anniversary on June 5; and

WHEREAS the couple was married June 5, 1925 and have now shared 50 years of their lives together; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Mr. & Mrs. George V. Mahoney to whom a copy of this resolution shall be sent.

RESOLVED FURTHER, That a copy of this resolution be sent to their three sons Stanton, Mordaunt and Patrick Mahoney.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 133, on the Clerk's desk for one legislative day.

BILLS ON THIRD READING RESUMED

And the bill:

H. 128. To allow the Commissioner of Insurance to place an insurance company under an order of supervision; setting forth certain prohibited acts while under supervision.

Was taken up.

Mr. Mitchem offered the following amendment to the bill:

Amend H. 128 by deleting lines 47 through 59 of Page 1 of the above bill and substituting in its stead the following:

"(c) A determination by the Commissioner that an insurer's condition is such as to render the continuation of its business hazardous to its policyholders following a special examination of the operations and financial condition of an insurer by the Commissioner and following a formal hearing on the charges held no sooner than 30 days after notice to the insurer of the charges and no later than 45 days after such notice to the insurer."

Further amend H. 128 by deleting the letter "(e)" appearing on line 61 of Page 1 and substituting in its stead the letter "(d)".

And the amendment was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Campbell, Carothers, Carter, Clark, Cooper, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Holmes, Jackson (F), Johnstone, Kelley, Kennedy, Kinsey, Lee, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Rich, Roberts, Robertson, Shelton, Smith (C), Smith (M), Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Weeks, Williams and Wyatt.

—65

And the bill, H. 128 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Campbell, Carothers, Carter, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Holley, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Shelton, Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Weeks, White, Williams and Wyatt.

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CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Bill hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:10 P. M. On July 8, 1975.

H. 96.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Mr. Sasser, the House adjourned until 12:15 o'clock p. m., Thursday, July 10, 1975.

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THIRTEENTH DAY

House of Representatives

Montgomery, Alabama

Thursday, July 10, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Don Pendergrass, Pastor, Muscle Shoals Baptist Church, Muscle Shoals, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twelfth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the twelfth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twelfth legislative day was approved.

BILLS ON SECOND READING

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 716. (With Substitute): To amend Code of Alabama 1940, Title 52, Section 158, which relates to the authority of a city board of education, so as to allow the county board of education to continue to operate an area vocational school in territory annexed to a city and to provide that certain children residing within such area, so annexed, may continue to go to the vocational school.

Mr. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 695. To amend Section 206 of Title 26, Code of Alabama 1940, so as to provide that any amounts received from the Federal government by members of the National Guard or organized reserve, including base pay allowances, shall not be deemed wages for the purpose of determining if an individual is totally unemployed, or for the purpose of determining if a person is partially unemployed.

H. 866. To provide for the continuation of community action agencies in the state; to provide a short title; to provide definitions; to provide a statement of purposes; to provide for the administration of this Act by the Executive Office of the Governor; to provide for the distribution of funds; to specify authorized and unauthorized activities for community action agencies; to repeal conflicting laws; and for other purposes.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 116. To amend Section 403, Title 37, Code of Alabama 1940, so as to require electors standing for election as municipal officers to have been a resident of the municipality for a period of not less than ninety (90) days prior to the date of the municipal election in which they seek election.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 764. (With Substitute): To propose and provide for the submission of a constitutional amendment reaffirming the Preamble to the Constitution of Alabama and to revise Article I thereof, which Article asserts the Declaration of Rights; and for the repeal of Article I of the Constitution of Alabama of 1901, as amended.

The above bill was read a second time at length as required by the Constitution.

Mr. Burgess, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 160. To amend Section 1 of Act No. 22, H. 1, Regular Session 1953 (Acts 1953, p. 25), providing for the speed of motor vehicles on the highways of this State so as to give the Governor certain authority to establish a different rate of speed in order to receive federal funds.

S. 185. Regulating further the licensing of motor vehicles, to provide for the issuance of semi-permanent license plates with a tab or other device indicating the payment of the license tax for the current year.

Mr. Burgess, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 449. (With Amendment): To amend Section 1 and Section 2 of Act No. 1154, H. B. 675, Regular Session 1971, (Acts 1971, p. 1999, now appearing in Code of Alabama, Recompiled 1958, Title 36, Section 159 and Section 160), which act relates to abandoned motor vehicles on the public streets, roads, highways and other public property, so as to further regulate the removal of said motor vehicles.

Mr. Burgess, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 701. To amend further Section 8 of Act No. 558, S. 274, 1943 Regular Session (Acts of 1943, p. 550; now appearing in Code of Alabama, Recompiled 1958, Title 36, Section 123), entitled "To provide that any person who leaves the scene of a motor vehicle accident resulting in injury or death to any person shall stop and render such aid to such injured person as may be necessary; to provide for the reporting of accidents by drivers of any motor vehicle upon the highways of this state, and to provide that the failure to stop after an accident or to report such accident shall be a misdemeanor, and to fix the punishment thereof"; so as to require the accident report forms to include spaces for the name of insurance companies and to make it mandatory for an investigating officer to fill in such space on the form.

H. 720. To further amend Section 49 of Title 36, Code of Alabama (1940) as recompiled, 1958 for the Highway Director to regulate the Test, Approval and Sale of Traffic Sign, Signal and Regulatory Devices used on any street or highway in the State of Alabama.

Mr. Burgess, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 721. (With Substitute): To prohibit the placing upon or in view of public highways any unauthorized sign, signal, marking or device resembling an official traffic control device or which attempts to direct the movement of traffic, prohibits the use of traffic signs or signals or commercial advertising upon any public highway, and declares every such prohibited sign to be a public nuisance and gives the highway director the authority to remove such sign.

H. 722. (With Substitute): To amend Section 21, Title 36, Code of Alabama, 1940, which provides that vehicles must stop and/or yield the right of way at certain intersections and provides that the highway department or local officials may designate the intersections.

H. 723. (With Substitute): To further amend Section 16, Title 36, Code of Alabama, 1940, providing for the manner of making turns at the intersection of roadways.

Mr. Burgess, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the

following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 724. (With Substitute) (With Amendment): To amend Section 5, Title 36, Code of Alabama, 1940, which establishes speed restrictions for motor vehicular traffic.

Mr. Burgess, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 725. (With Substitute): To amend Section 6, Title 36, Code of Alabama, 1940 requiring that warning signals at grade crossings be obeyed.

H. 726. (With Substitute): To amend Section 25, Title 36, Code of Alabama, 1940, to permit police officers to remove unattended vehicles from public highways and to permit police officers to remove or cause to be removed from the highways certain other vehicles.

H. 727. (With Substitute): To amend further Section 1 of Title 36, Code of Alabama, 1940, for the purpose of defining or re-defining the following words and phrases: "authorized emergency vehicle," "highway," "intersection," "private road or driveway," "right of way," "stand or standing," "stop or stopping," "through highway," "vehicle," "alley," "arterial street," "business district," "street," and "urban district."

H. 728. (With Substitute): To amend Act Number 516 of the 1949 Regular Session of the Legislature which further regulates the use of the highways of the State by pedestrians and vehicles; prescribing equipment of certain vehicles and further prescribing rules and regulations governing traffic and the operation of vehicles on the highways; providing the method of enforcing this Act; and prescribing penalties for violations hereof.

H. 729. (With Substitute): To amend Section 32, Title 36, Code of Alabama, 1940, which enumerates the powers of local authorities to regulate vehicular traffic.

Mr. Burgess, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 730. (With Substitute) (With Amendments): To further amend Section 15, Title 36, Code of Alabama, 1940, which prohibits the driver of a vehicle from following another vehicle too closely.

Mr. Burgess, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 731. (With Substitute): To amend Section 50 of Title 36, Code of Alabama, 1940, making it unlawful for any person to interfere with or to damage or destroy official traffic-control devices or railroad signs or signals.

H. 732. (With Substitute): To further amend Section 17, Title 36, Code of Alabama, 1940, which prescribes rules and signals for the starting, stopping and turning of vehicles.

Mr. Burgess, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 733. (With Substitute) (With Amendment): To amend Section 7, Title 36, Code of Alabama, 1940, which authorizes the establishment of special speed limitations on bridges, to include speed limitations for vehicles towing house trailers and for vehicles equipped with solid rubber tires.

Mr. Burgess, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 734. (With Substitute): To further amend Section 26, Title 36, Code of Alabama, 1940, which prohibits the stopping, standing or parking of vehicles in certain specified places.

H. 735. (With Substitute): To authorize peace officers to have any vehicle removed which has been unattended for 24 or more hours upon or adjacent to any public roadway and is a traffic hazard.

Mr. Burgess, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 736. To prohibit the backing of a vehicle onto a controlled-access highway and prohibits the backing of a vehicle in other places unless the movement can be made safely and without interference with other traffic.

Mr. Burgess, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 737. (With Substitute): To amend Section 9, Title 36, Code of Alabama, 1940, requiring that, upon roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway and providing for certain exceptions.

Mr. Burgess, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 738. To establish rules governing the overtaking and passing of vehicles proceeding in the same direction.

H. 739. To authorize local authorities and the highway department to restrict pedestrian crossing over roadways within their respective jurisdictions.

Mr. Burgess, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 740. (With Substitute): To amend Section 47, Title 36, Code of Alabama, 1940, by requiring the highway department to adopt a manual and specification for a uniform system of traffic control devices and to place such devices on all state highways and by forbidding local authorities from placing traffic control devices on state highways without permission of the highway department.

Mr. Burgess, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 749. To repeal Section 4 of Act No. 20, H. B. 82, Regular Session 1953, (Acts 1953, p. 25, now appearing in the Code of Alabama, Re-compiled 1958, Title 36, Section 5 (4), which section relates to notation of conviction on a person's driver's license when he is convicted of a speeding violation.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 965. To amend further Sections 4, 16, 24 and 26 and to amend and reenact Section 28 of Act No. 13, H. 118 of the 1947 Regular Session (Local Acts 1947, p. 7), as amended, which establishes for the municipality of Phenix City a pension and relief system for the benefit of firemen and policemen, so as to regulate further membership in, creditable service for and retirement under such system.

H. 966. To authorize and provide for the establishment of emergency medical services for the sick, infirm and injured in Russell County.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 983. (With Amendment): To amend Section 1 of Act No. 441, Special Session, 1966, Page 170 relating to Shelby County, which authorized the County Governing body to appropriate funds for retirement benefits to certain county employees by increasing the retirement benefits from \$75.00 per month to \$150.00 per month commencing as of January 1, 1975.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1011. Relating to Clarke County, Alabama; authorizing the Clarke County Commission to appropriate and pay monies, out of the

General Fund of the County, in such amounts as it may determine, to or for the use and benefit of the Clarke County Association for Retarded Citizens.

H. 1012. Relating to Clarke County; providing an additional expense allowance for the members of the Clarke County Commission or other like governing body.

H. 1013. Relating to Clarke County, Alabama; to provide that the Clerk of the Inferior Court of said County and the Records of the Municipal Courts of Grove Hill, Jackson and Thomasville in said County may each take affidavits and complaints, issue warrants of arrest in misdemeanor and felony cases, and issue search warrants.

H. 1020. To amend Act No. 1242, H. 1633, 1971 Regular Session (Acts 1971, p. 2144) entitled "An Act Relating to Cullman County; to prescribe the amount of the director's fee which may be paid to members of the board of directors of certain gas districts", so as to increase the amount of the director's fee.

H. 1040. To provide for and create the Greene County Racing Commission, for the regulating, licensing and supervision of Greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereto, and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

H. 1045. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Trinity.

H. 1071. Relating to the stenographic secretary appointed by the district attorney in every judicial circuit, composed of one county with a population of not less than 27,000 nor more than 27,900, so as to authorize an additional expense allowance for the stenographic secretary.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 636. To provide for review of the sentence of an offender when the punishment for that crime of which such offender was convicted is reduced.

H. 401. To provide that in criminal proceedings certain judges shall have discretionary power to tax the fees of court-appointed counsel representing indigent defendants as a part of the cost of the proceeding and to repeal all conflicting statutes.

H. 830. To prescribe a rule of civil procedure relative to discovery of liability insurance to supercede and repeal rule 26 (b) (2) of the Alabama Rules of Civil Procedure.

H. 906. To prescribe the procedure for securing the attendance of witnesses from without the state in criminal proceedings in Alabama and of witnesses within this state in criminal proceedings in other states and providing penalties for failure to obey a summons to testify issued pursuant to this act.

H. 357. To apply only in Mobile County providing for service of witness subpoenas by mail.

H. 286. To amend Section 115 of Title 12, Code of Alabama 1940.

H. 178. To amend Section 587 of Title 37, Code of Alabama 1940, as amended, relating to appeals from Recorder's Court; authorizing appeal bonds not to exceed four hundred dollars (\$400) and authorizing a defendant to appeal without bond if he remains in custody pending the trial on appeal.

H. 991. To authorize every municipality in the State of Alabama and certain public corporations to transfer and convey, without an election, any gas system or part thereof, now or hereafter owned by such municipality or public corporation to any utility corporation subject to regulation by the Alabama Public Service Commission; to require prior approval by the said Commission of any such transfer and conveyance and of the terms thereof; to require that any such transfer and conveyance be made for not less than fair market value as determined by the said Commission; and to require prior approval, by each municipality which authorized, consented to, or made determinations prerequisite to the incorporation of a particular public corporation, of any such transfer or conveyance by such public corporation.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 159. (With Amendment): Relating to Madison County, to set standards for judicial officers in said county for the pre-trial release of those persons accused of crimes, and to establish penalties for failure to appear or for violation of release conditions.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 160. To amend Section 5 of Act No. 790, H. 1817, Regular Session 1973 (Acts 1973, p. 1203) establishing the office of Warrant Magistrate in Madison County so as to correct a reference to a certain Section of Title 15, Code of Alabama 1940.

H. 751. To authorize and empower the director of the Madison County License Department to charge and collect a fee of \$1.00 for the performance of duties relative to the recording of the transfer of ownership of motor vehicles as prescribed in Title 51, Section 706, Code of Alabama 1940, as last amended; to provide that all fees so collected shall be the property of the county and shall be paid into the general fund of the county; to repeal conflicting laws.

H. 766. To authorize the Madison County Commission to pay the expenses of defending lawsuits brought against employees of Madison County, Alabama, resulting from the performance of any work while in the employment of Madison County.

H. 770. To authorize Madison County, Alabama, to levy a business or privilege fee upon any business, vocation, occupation, calling or profession for which a business or privilege fee or tax is not required

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for either the State of Alabama or the county by the laws of the State of Alabama, and to limit the amount of any such business or privilege license fee.

H. 910. Pertaining to Madison County, to amend Act 608 of the 1973 Regular Session, which Act provides for the temporary release of certain prisoners in the County Jail for the purpose of obtaining and working at gainful employment, so as to provide for the payment to the County of a portion of the net earnings of said prisoners and for the utilization of funds derived therefrom.

H. 1027. To change the compensation of the Coroner of Madison County, Alabama.

H. 1028. To change the compensation of the Sheriff of Madison County, Alabama.

H. 1029. To authorize the Madison County Commission to provide for the relief of Sara Hall Gibson.

H. 1030. To change the compensation of the Chairman of the County Commission of Madison County, Alabama.

H. 1031. To change the compensation of the Probate Judge of Madison County, Alabama.

H. 1032. To change the court fees assessed in civil cases in the Circuit Court and General Sessions Court of Madison County, Alabama, and in cases in the Probate Court of Madison County, Alabama, and to require the payment of court fees in civil cases and cases in the Probate Court when same are filed with said courts.

H. 1033. To change the compensation of each member of the Madison County Board of Education.

H. 1034. To provide in Madison County, Alabama, that the fee charged for issuing any license to a person to carry a pistol in a vehicle or concealed on or about his person pursuant to Section 177, Title 14, Code of Alabama, 1940, as last amended, shall be Five Dollars (\$5.00).

H. 1037. To change the compensation of each member of the County Commission, except for the Chairman thereof, of Madison County, Alabama.

H. 1038. To change the compensation of the Tax Collector of Madison County, Alabama.

H. 1039. To change the compensation of the Tax Assessor of Madison County, Alabama.

H. 1082. To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Huntsville in said County to license, regulate, and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide that the Council or other governing body of the City of Huntsville, in Madison County, shall have the power to suspend or revoke any retail liquor or malt or brewed beverage license issued by said city; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses; to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling per-

mits from the Madison County Department of Public Health; to provide for the revocation and suspension of licenses for certain violations; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 506. (With Amendment): To amend Sections 279, 280, 282, 283, 284, 285, 288 and 289 of Title 62 of the 1940 Code of Alabama, which sections regulate the licensing, teaching and practice of cosmetology in Jefferson County.

H. 637. (With Amendment): To amend Act No. 639 of the Regular Session of the Legislature of Alabama of 1973 (Acts, 1973, pages 946-948), which Act levied an additional pistol permit fee in counties having a population of 500,000 or more, according to the last or any subsequent federal decennial census and established a Sheriff's Fund and a Legislative Fund, so as to provide for the appropriation by the county governing body of said funds.

H. 681. (With Amendment): Relating to Jefferson County; prohibiting service and execution of subpoenas and warrants issued for nonmoving traffic violations during certain hours, and repealing conflicting laws.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 897. To further amend Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which established a pension system for employees and officers of Jefferson County, Alabama.

H. 898. To provide what the fees established by Section 274, Title 51, Ala. Code of 1940 (fees relating to sale of real estate for delinquent taxes) shall be in Jefferson County.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 718. Relating to Etowah County; to better secure the administration of the financial affairs of such county by vesting in the chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund, and other funds, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide personal civil liability for any department head or other official in charge who violates such

prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to provide that the county commission shall have authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to regulate the office of central purchasing agent and to provide penalties for violations to set the effective date of this act and to repeal conflicting laws.

H. 1014. Relating to Etowah County, to authorize the Etowah County Commission, to impose an additional privilege or excise tax upon the sale, use or consumption of malt or brewed beverages within such counties; providing for the administration of the Act and the collection and distribution of proceeds of the tax.

H. 1015. To prescribe duties and powers of the stenographic secretaries of the District Attorney of the Sixteenth Judicial Circuit.

H. 1016. Relating to Etowah County; authorizing the Etowah County Commission to impose a privilege or license tax upon the sale, distribution, storage, use or other consumption of cigarettes in said county; providing for enforcement and collection of the tax, and making provisions for the distribution of the proceeds.

H. 1048. Relating to the management of the public records of Lauderdale County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Lauderdale County, and for payment of the cost incurred in the purchase of photographic or microphotographic equipment; to authorize the photographing or microphotographing of old documents and records presently held as public records of Lauderdale County; to authorize the destruction of old documents not otherwise stored with the State Department of Archives and History.

H. 1049. To amend Act No. 30, H. 69, Acts of Alabama, Regular Session 1953, approved May 28, 1953, relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County and providing that such roads and bridges shall be constructed, maintained, and repaired by the State Highway Department, by amending Sections 1, 2, and 5 thereof; providing that the county governing body shall have and exercise the power to set up projects within the county and to further determine the location of new roads and bridges within the county which may be established as an addition to or change in the existing county road system; providing that the State Highway Department shall cause its Lauderdale County Engineer, or Assistant Engineer, to personally meet with county governing body of Lauderdale County on a quarterly basis and make an up-to-date status report on the progress of the work of the State Highway Department relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County; and further providing that the State Highway Department shall prepare and file with the governing body of Lauderdale County on a quarterly basis each year a quarterly financial report relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County by the State Highway Department under the provisions of this Act.

H. 1050. Relating to Lauderdale County; providing an expense allowance for the County Coroner.

H. 1051. Relating to Lauderdale County; providing for a monthly expense allowance for County Commissioners of Lauderdale County.

H. 1052. Relating to Lauderdale County; setting the compensation and expense allowance of certain officials.

H. 1053. Amending Section 1 of Act No. 791, H. 923, Regular Session (Acts 1969, p. 1421), relating to the sheriff's department of Lauderdale County, so as to remove the maximum number of deputies that can be hired and removing the compensation limits of the deputies, secretaries and jailers.

H. 1054. Relating to Lauderdale County; authorizing the county commission to establish budgetary limits for the cost of operating all departments of county government and to fix and enforce policies, rules and regulations respecting holidays, vacations and sick leave for all county employees.

H. 1055. Relating to Lauderdale County; authorizing the county commission to provide parking facilities near the county courthouse and to regulate parking on county property around the courthouse; providing penalties for violations.

H. 1056. To authorize the Lauderdale County Board of Education to set and establish sick leave and annual leave, and rules pertaining thereto for employees other than teachers so that said employees may, at the discretion of said County Board, participate in leave allowances the same as is provided teachers.

H. 1057. Relating to Lauderdale County; providing for an expense allowance for members of the Lauderdale County Board of Education.

H. 1058. To authorize the city of Florence to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

H. 1059. Relating to Lauderdale County; providing further for the election of the members of the county board of education and county superintendent of education.

RESOLUTIONS

The following resolutions were introduced:

By Mr. White:

H. R. 134. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That the House continue to meet on Tuesday and Thursday because the work of the committees, public hearings and research and study of bills makes it convenient that the House continue to meet on these days.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. White to suspend the rules in order to take up for immediate consideration the resolution, H. R. 134, was lost.

And the resolution, H. R. 134, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Holmes:

H. J. R. 135. BE IT ENACTED BY THE LEGISLATURE OF ALABAMA; that all confederate flags be removed from the premises of the State Capitol

DIVISION OF THE QUESTION

The motion of Mr. Manley for the division of the question was adopted.

Yeas 88; Nays 4.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—88

Nays: Messrs. Gregg, Kennedy, Robertson and Smith (B).

—4

PREVIOUS QUESTION

On motion of Mr. Lutz, the question was shall the main question now be put, and the motion was adopted.

Yeas 34; Nays 20.

Yeas:

Messrs.: Andrews, Baker, Brindley, Burgess, Callahan, Campbell, Carothers, Coburn, Crawford, Cross, Ford, Goodwin, Greer, Gregg, Higginbotham, Jolly, Lockett, Lutz, McNair, Martin, Mitchem, Moore (W), Naramore, Pegues, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Taylor, Trammell, Turnham and Weeks.

—34

Nays:

Messrs.: Cates, Cooper, Glass, Harrison, Hill, Holmes, Jackson (F), Johnson, Johnstone, Kelley, Leonard, McCulley, Malone, Morris, Owens, Porter, Reed, Smith (M), Teague and Venable.

—20

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Holmes, the rules were suspended in order to take up for immediate consideration the resolution, H. J. R. 135.

Yeas 87; Nays 9.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Burgess, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Good-

win, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—87

Nays:

Messrs.: Brindley, Cates, Gregg, Kelley, Kennedy, Leonard, Lutz, McNair and Smith (B).

—9

RESOLUTION LOST

The question was then on the motion offered by Mr. Holmes for adoption of the resolution, H. J. R. 135, and the motion was lost.

Yeas 13; Nays 78.

Yeas:

Messrs.: Cooper, Harrison, Hilliard, Holmes, Howard, Kennedy, LeFlore, Lewis, McNair, Malone, Porter, Reed and Tucker.

—13

Nays:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lockett, Lutz, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

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Also:

By Mr. Burgess:

H. J. R. 136. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the Confederate flag be flown from every flag pole on the premises of the Capitol except those presently bearing the U. S. flag.

Further resolved that a Confederate flag decorate each chamber of the legislature.

PREVIOUS QUESTION

The motion offered by Mr. Burgess that the question be, shall the main question now be put was lost.

Yeas:

Messrs.: Andrews, Burgess, Callahan, Campbell, Martin, Moore (O), Naramore, Robertson, Sasser, Tucker and White.

—11

Nays:

Messrs.: Cates, Crowe, Folmar, Glass, Gregg, Harris, Hill, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, LeFlore, Leonard, Lewis, Lutz, McNair, Malone, Morris, Owens, Smith (B), Smith (J), Starkey, Teague and Wyatt.

—25

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Burgess to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 136, was lost.

And the resolution, H. J. R. 136, was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Mitchem:

H. 1095. Relating to the membership of the State Board of Agriculture and Industries; to amend Sections 25 and 27 of Title 2 of the Code of Alabama of 1940, as amended, to provide that the Dean and Director of the School of Agriculture and Agricultural Experiment Station of Auburn University shall be a member of the State Board of Agriculture and Industries; and, that any ex officio member of said Board may designate or appoint any member of his staff to attend meetings in his place and stead when such ex officio member cannot attend.

Agriculture.

By Mr. McCulley:

H. 1096. Relating to all counties having a population not less than 16,000 nor more than 16,250 according to the latest federal decennial census; providing that the county commission of all such counties may appropriate and pay monies to that county's school for exceptional children.

Local Legislation No. 1.

By Messrs. Boles and Armstrong:

H. 1097. To amend Title 37, Section 138, Code of Alabama, 1940, which relates to the means of extending the city limits of cities having a population of 25,000 or more so as to make the provisions of Article 2, Chapter 5, Title 37, apply to all cities and towns.

Local Government.

By Messrs. White, Gafford and Falkenburg:

H. 1098. To amend, add to, and repeal part of Act No. 1407 passed in the Regular Session of the 1971 Legislature (Acts p. 2378) and approved September 16, 1971, called the Alabama Controlled Substances Act, concerning the regulation of the possession and use of controlled

drugs in Alabama, establishing penalties for violations of the various sections of the Act, and standardizing all laws in the State to be in conformity with the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended, and to repeal existing State Statutes in conflict.

Health.

By Messrs. Crowe and Naramore:

H. 1099. To apply in all counties having populations of not less than 55,500 nor more than 56,000, according to the most recent Federal decennial census, regulating the compensation of election officers.

Local Legislation No. 1.

By Mr. Crowe:

H. 1100. To amend Section 2 of Act No. 217 enacted at the 1967 Special Session of the Legislature of Alabama so as to clarify the provisions thereof exempting utility services therefrom and so as to exempt from the provisions of said act contracts relating to industrial development, contracts for the furnishing of fiscal or financial advice or services, contracts for the construction and equipment of buildings for public building authorities under the provisions of Act No. 493 of the 1955 Regular Session of the Legislature of Alabama (as amended) and certain purchases made for use in the operation of certain water works systems, sanitary sewer systems, electric systems and gas systems that are owned by counties, municipalities or by public corporations, boards or authorities that are agencies, departments or instrumentalities of counties or municipalities.

State Administration.

By Mr. Crowe:

H. 1101. To amend Sections 3, 6, 8, 9 and 10 of Act No. 2440, Acts of Alabama, 1971 Regular Session, entitled an Act "To authorize the State of Alabama, Department of Conservation, Division of State Parks, Monuments and Historical Sites, to enter into contracts with persons, firms or corporations to operate concessions within state park areas, said concession contracts to be awarded on a competitive bid basis; to provide for negotiated concession contracts in particular instances; and to provide for cancellation of said concession contracts", so as to delete the requirement that all of Lake Guntersville State Park be operated by the State the first three years; and to authorize negotiation of concession contracts under certain conditions; and to make certain term changes in the bonds required of concession contractors, the term of concession contracts, and the right of the Commissioner to terminate.

Conservation.

By Mr. Crowe:

H. 1102. To provide for the conservation, management, enhancement and protection of marine mammals; to provide enforcement authority and penalties for violation of this Act.

Conservation.

By Mr. Crowe:

H. 1103. To amend Title 8, Section 91, Code of Alabama 1940, as amended, pertaining to licenses required to capture and kill fur-bearing animals, so as to eliminate the exemption from the license-purchase requirements previously granted anyone trapping beaver only; to reduce

the residency period from six (6) months to ninety (90) days; and to provide an exemption where beavers are a nuisance.

Conservation.

By Mr. Crowe:

H. 1104. To authorize the Division of State Parks, Monuments and Historical Sites of the Department of Conservation and Natural Resources to do and perform through its own labor force maintenance within the parks system and capital improvement projects not exceeding Five Thousand Dollars (\$5,000) in material cost and to further authorize said Division to purchase equipment and materials for said maintenance or capital improvement projects and to provide for the approval of accounting procedures by the Examiners of Public Accounts.

State Administration.

By Mr. Crowe:

H. 1105. To authorize the Commissioner of the Department of Conservation and Natural Resources to appoint and designate as many employees of the Division of State Parks, Monuments and Historical Sites as he deems necessary to enforce the laws of the State and the rules and regulations of the Department; to prescribe their powers and duties.

State Administration.

By Mr. Smith (C):

H. 1106. Relating to sale and use taxes; to exempt the Alabama Sight Conservation Association and Goodwill Industries from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Mr. McCluskey:

H. 1107. To make further appropriations of State Funds for the fiscal year ending September 30, 1975.

Ways and Means.

By Mr. Lutz:

H. 1108. To make unlawful for any person to give a false name or address, or that of another person without his consent, in order to obtain a refund for goods returned, or for services to be performed.

Judiciary.

By Mr. Lutz:

H. 1109. To amend Sections 3, 9, and 12, of Act No. 2479, H. 2083, Regular Session 1971, known as the Alabama Worthless Check Act, in order to change the definition of "notice", as used in this Act; to reduce the time given the drawer to pay the amount due on a check after receiving such notice; to make the offenses in Category III and any third and subsequent offense in any category a felony, with a mandatory fine and prison sentence for third and subsequent offenses; to require the courts to order restitution as a part of all sentences, and to require court costs to be assessed to the defendant.

Judiciary.

By Messrs. Armstrong, Boles, Moore (O), White, Biddle, Gafford, Hall, Waggoner and Trammell (With Notice and Proof):

H. 1110. Relating to Jefferson County; to prescribe the compen-

sation of the Assistant Sheriff for the Bessemer Division of said county and to repeal all conflicting statutes.

Local Legislation No. 2.

Notice and Proof H. 1110:

A BILL
TO BE ENTITLED
AN ACT

Relating to Jefferson County; to prescribe the compensation of the Assistant Sheriff for the Bessemer Division of said county and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Assistant Sheriff for the Bessemer Division of Jefferson County shall receive the same salary and expense allowances as the Chief Deputy Sheriff of said county. Such salary and allowances shall be paid out of the county treasury as the salaries and allowances of other county employees are paid.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This act shall become effective at the beginning of the next pay period immediately following its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned Notary Public in and for the State and County aforesaid, personally appeared: John M. McElroy Who being duly sworn, says on oath that he is: EDITOR - PUBLISHER of The Bessemer Advertiser, a newspaper published in the City of Bessemer, Jefferson County, Alabama, and that a legal notice was published for four weeks, consecutively, in said newspaper, a copy of which notice is hereto attached and made a part of this affidavit, and that the dates on which same was published were: June 13, 20, 27, July 4, 1975 and that the amount indicated hereon is a true and correct statement of the charges for publishing said notice.

Affiant further states that said newspaper is a newspaper having a general circulation in the county in which it is published, and that it has been mailed under second class mailing privilege for fifty-two (52) consecutive weeks prior to the publication of the foregoing advertisement.

JOHN M. McELROY,
Editor-Publisher.

Subscribed and sworn to before me this the 9th day of July, 1975.

JOHN E. SMITH,
Notary Public.

By Messrs. Folmar, Carothers, Wyatt, Robertson, Goodwin, Roberts, Boles, Crowe, Owens, Burgess, Drake, Whatley, Baker, Sparks, Cooper, Kinsey, Rich, Plaster, Johnstone and Holley:

H. 1111. To provide longevity pay for certain employees in the classified service of the state; to prescribe the amount of such pay and

the manner of its payment; and to appropriate funds for the purposes of the act.

Ways and Means.

By Mr. Lockett:

H. 1112. To repeal Act No. 676, H. 845, Regular Session 1971 (Acts 1971, p. 1402), which act provides for the payment of meeting expenses for the county governing body of certain counties based on population.

Local Legislation No. 1.

By Mr. Lee:

H. 1113. To propose an amendment to the Constitution of Alabama of 1901, as amended, with respect to Article IV, Sections 105, 106, and 110 which defines the limitation on the enactment of local laws, the procedure for enacting local laws, and the meaning of a general, local or special law, and to repeal Article IV Sections 105, 106, and 110 of the Constitution of Alabama of 1901 as amended.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Sandusky, LeFlore and Sonnier:

H. 1114. To provide for the cost, issuance and use of sport fishing licenses in the salt and brackish waters of this State; to provide for a commercial party boat license.

Conservation.

By Messrs. Whatley and Baker (With Notice and Proof):

H. 1115. Relating to Russell County; to provide for an additional expense allowance for members of the county commission and for certain clerks of the county commission.

Local Legislation No. 1.

Notice and Proof H. 1115:

STATE OF ALABAMA
COUNTY OF RUSSELL COUNTY

A BILL
TO BE ENTITLED
AN ACT

Relating to Russell County; to provide for an additional expense allowance for members of the county commission and for certain clerks of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Russell County Commission, including the chairman, shall be entitled to receive an expense allowance in the amount of \$250 per month, which shall be in addition to any and all other salary, compensation or allowances now received by such offices, payable in monthly installments out of such funds as the county governing body directs.

Section 2. Any of the clerks of the county commission may be paid an expense allowance in an amount set by the commission, which shall be in addition to any and all other salary, compensation or al-

lowances now received by such clerks, payable in monthly installments out of such funds as the county governing body directs.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF RUSSELL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Jorgensen, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was general manager of the Phenix Citizen, a newspaper of general circulation published in Russell County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 15, May 22, May 29, and June 5, all in the year 1975.

BILL JORGENSEN.

Sworn to and subscribed before me June 10, 1975.

CAROLYN DUDLEY,
Editor - Notary Public.

By Messrs. Baker and Whatley:

H. 1116. To create the positions of and establish a salary range for the positions of stenographic secretary for each of the judges of the 26th judicial circuit.

Local Legislation No. 1.

By Messrs. Whatley and Baker:

H. 1117. To provide further for solicitor's and district attorney's fees in the 26th Judicial Circuit; establishing a "District Attorney's Fund" and providing for its use and expenditure.

Local Legislation No. 1.

By Messrs. Baker and Whatley (With Notice and Proof):

H. 1118. Relating to Russell County; to authorize the Russell County Commission to pay certain expenses incurred relative to certain investigations carried out by the District Attorney or Sheriff and to prescribe procedure for making such payments.

Local Legislation No. 1.

Notice and Proof H. 1118:

STATE OF ALABAMA
COUNTY OF RUSSELL COUNTY

A BILL TO BE ENTITLED AN ACT

Relating to Russell County; to authorize the Russell County Commission to pay certain expenses incurred relative to certain investiga-

tions carried out by the District Attorney or Sheriff and to prescribe procedure for making such payments.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission or other like governing body of Russell County is hereby authorized to pay the expense of investigation and return of witnesses from out-of-state by the District Attorney's office or Sheriff's office upon presentment of proper receipts validating expenses incurred but not limited to transportation, meals, lodgin, transcription of statements and any other related expenses. Such expenses shall be paid from time to time by warrant drawn on the general fund of Russell County.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF RUSSELL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Jorgensen, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was general manager of the Phenix Citizen, a newspaper of general circulation published in Russell County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 15, May 22, May 29, and June 5, all in the year 1975.

BILL JORGENSEN.

Sworn to and subscribed before me June 10, 1975.

CAROLYN DUDLEY,
Editor - Notary Public.

By Messrs. Baker and Whatley (With Notice and Proof):

H. 1119. Relating to Russell County; to provide an expense allowance for the coroner in said county.

Local Legislation No. 1.

Notice and Proof H. 1119:

STATE OF ALABAMA
COUNTY OF RUSSELL COUNTY

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Russell County; to provide as expense allowance for the coroner in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner of Russell County shall receive an allowance of \$250.00 per month for expenses incurred in and about the

performance of the duties of his office. Such allowances shall be in addition to any other compensation or allowance now authorized by law and shall be paid from the general fund of the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

NOTICE OF PUBLICATION

STATE OF ALABAMA

RUSSELL COUNTY

Before me, the undersigned authority, personally appeared William R. Jorgensen, who after being duly sworn, deposes and says: That he is publisher of The Phenix Citizen-Herald, a newspaper published in Phenix City, Russell County, Alabama, in the English language, and said newspaper having been published consecutively for more than twelve months and mailed as second class mail matter in the United States Post Office at Phenix City, Alabama, and that said newspaper has a general circulation in Phenix City, Russell County, Alabama, and that the attached notice of publication pertaining to Bill - Expense Allowance for Coroner appeared in The Phenix Citizen on the following dates: May 29, 1975; June 5, 1975; June 12, 1975; June 19, 1975.

WILLIAM R. JORGENSEN,
Publisher.

Sworn to and subscribed before me on this the 19 day of June, 1975.

CAROLYN DUDLEY,
Notary Public.

By Mr. Callahan:

H. 1120. To provide for supplementing the compensation paid to retired Circuit Judges in judicial circuits composed of one county and having not less than seven nor more than twelve circuit judges.

Local Legislation No. 3.

By Messrs. Callahan, Sandusky, Sonnier, McMillan, Cooper and Kennedy:

H. 1121. To amend further Act No. 263, S. 222, Special Session 1961 (Acts 1961, p. 2280), relating to the compensation of election officers in counties having populations of not less than 300,000 nor more than 500,000.

Local Legislation No. 3.

By Messrs. Callahan, Sandusky, McMillan, Cooper, Kennedy and Sonnier:

H. 1122. To authorize the governing body and election officials of those counties using voting machines which produce printouts that contain all required data regarding registering or recording and computing the vote at all elections to use such printout sheets and to make any required certificates or statements thereon; to provide that such shall satisfy the provisions of Alabama Code 1940, Title 17, Chapter 1, Article 7.

Constitution and Elections.

By Messrs. Callahan, Sandusky, McMillan, Sonnier and Kennedy:

H. 1123. To provide for and regulate absentee voting in primary, general, special and municipal elections; prescribing penalties for viola-

tions of the Act; repealing conflicting laws and specifically repealing Act No. 424, H. 351, Regular Session 1949 (Acts 1949, page 601) and all acts amendatory and supplemental thereto.

Constitution and Elections.

By Mr. Owens (With Notice and Proof):

H. 1124. To create the office of ex-officio judge of the Tuscaloosa County Court; to prescribe the powers, duties and authority of the ex-officio judge; to provide for the appointment of such ex-officio judge, the fixing of his salary, and the furnishing of quarters, supplies and assistants to him; and to provide a supervisory board, and prescribe its authorities and responsibilities.

Local Legislation No. 1.

Notice and Proof H. 1124:

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To create the office of ex-officio judge of the Tuscaloosa County Court; to prescribe the powers, duties and authority of the ex-officio judge; to provide for the appointment of such ex-officio judge, the fixing of his salary, and the furnishing of quarters, supplies and assistants to him; and to provide a supervisory board, and prescribe its authorities and responsibilities.

Be It Enacted by the Legislature of Alabama:

Section 1. In Tuscaloosa County, the office of ex-officio judge of the Tuscaloosa County Court is hereby created.

Section 2. A supervisory board is hereby created. Said Supervisory board shall be composed of all of the circuit judges of Tuscaloosa County, the judges of the Tuscaloosa County Court, the probate judge of said county, the public defender of said county and the district attorney of said county. The chairman of this supervisory board shall be the presiding circuit judge of said county. In addition to the duties and authorities of the supervisory board as elsewhere set out in this act, it shall be the authority and duty of the supervisory board to advise the ex-officio judge in matters of law and to direct such officer in the general conduct of the office.

Section 3. The office of ex-officio judge shall be subject to the general supervision of the supervisory board, and such officer shall hold office subject to the provisions of the civil service or merit system of the county.

Section 4. The ex-officio judge shall be an officer of the county, appointed by the supervisory board as other officers of the county subject to the civil service or merit system of the county are chosen or appointed, except, however, that any such ex-officio judge holding such office at the time of the passage of this act shall be the first such ex-officio judge under this act, and shall be deemed to hold permanent status as such civil service or merit system officer.

Section 5. It shall be the duty of said ex-officio judge, or his duly and legally constituted assistant or assistants to issue legal process from said court, to take affidavits and to issue warrants of arrest returnable to such court, to examine complaints and witnesses and to examine into facts preliminary to the issuance of a warrant of arrest as required by law, and to fix bail in all cases where a person charged with crime is entitled to bail under any warrant of arrest issued by him and to keep a record of all warrants handled by him as ex-officio judge. Said ex-officio judge or his duly and legally constituted assistant or assistants shall be such magistrates as have power and authority to issue search warrants.

Section 6. Suitable space and stationery, equipment, supplies and assistants necessary for the conduct of said office shall be furnished by the county commission, or like governing body of the county to the ex-officio judge.

Section 7. The supervisory board shall have the authority to recommend the salary or any increase or decrease thereof, but the county commission shall have the authority to set the salary or salaries in the customary manner, provided, however, it shall not be less than \$12,000 nor more than \$18,000 per annum, which sum shall be paid from the general fund of the county in equal installments as salaries of other county officers are paid.

Section 8. The supervisory board is hereby empowered to recommend the employment of an assistant to the ex-officio judge, or as many such assistants to the ex-officio judge as the supervisory board may deem to be necessary and desirable, and such assistant or assistants, to the ex-officio judge shall have the same power and authority as herein granted to the ex-officio judge in the absence of the ex-officio judge or when acting under the direction and supervision of the ex-officio judge. Such assistant or assistants may be full time or part time officials as said county commission shall decide or deem advisable.

Section 9. Full time assistants for such ex-officio judge shall be covered by the civil service or merit system of the county, but no part time assistant or assistants who shall be compensated by an hourly rate of pay, shall be employed subject to any civil service or merit system of the county, but shall be employed or discharged by the ex-officio judge with concurrence of the supervisory board.

Section 10. The assistant or assistants to the ex-officio judge shall receive such compensation as the county commission shall deem to be reasonable and proper, and in this determination the county commission shall be guided by, but not bound by, the recommendation of the ex-officio judge and the supervisory board. Such compensation shall be payable out of the general fund of the county as compensation of other county officers are paid.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are repealed.

Section 13. This act shall become effective on the first day of the first month beginning after its passage and approval by the Governor, or its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karl Elebash, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Graphic, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 29, June 5, June 12, and June 19, all in the year 1975.

KARL ELEBASH.

Sworn to and subscribed before me May 29, 1975.

LaJUNE BURNETT,
Notary Public.

By Messrs. Campbell and Manley:

H. 1125. Relating to public health; further amending Section 1 of Act No. 211, S 107, Regular Session 1945 (General Acts 1945, p 330), as amended, (now appearing in Code of Alabama, Recompiled 1958, Title 22, Section 204 (3)) so as to include nursing homes and extended care facilities within the definition of the term, hospital, as such term is used in the law providing for State Board of Health Hospitals and the State master plan of hospitals.

Health.

By Messrs. McCulley, Campbell, McMillan, Folmar, Glass, White, LeFlore, Kinsey, Morris, Smith (J), Cross, Andrews, Shelton, Sandusky, Hines, Drake, Roberts, Kelley, Sonnier, Malone, Manley, Owens, Cates, Lewis, Smith (M), Baker, Kennedy, Cooper, Carothers, Crowe, Smith (B), Carter, Weeks, Johnson, Albright and Quarles:

H. 1126. To allow the county governing body of any county to levy an additional tax of two cents per gallon upon the selling, distributing, storing, or withdrawing from storage in any such county for any use, gasoline as defined by Section 646 of Title 51 of the 1940 Code of Alabama, and to provide the method of collecting and disbursing it for use in construction, maintenance and repair of roads and bridges in such county.

State Administration.

By Mr. Smith (J) (With Notice and Proof):

H. 1127. To authorize the county commission or other like governing body of Geneva County to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Local Legislation No. 1.

Notice and Proof H. 1127:

STATE OF ALABAMA
COUNTY OF GENEVA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the county commission or other like governing body of Geneva County to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. "Forest lands" as used in this act, shall mean any land which supports a forest growth, or which under prevailing natural and economic conditions may be expected to support such a growth in the future, or which is being used or reserved for any forest purpose but shall not include any lands primarily used for residential purposes or any publicly owned lands.

Section 2. The county commission or other like governing body of Geneva County is hereby authorized, when the need exists, to provide protection against forest fires in Geneva County by participating in the Alabama Forestry Commission's fire protection program in the manner hereinafter specified. After the Geneva County Commission or other like governing body has determined that such a need does exist in Geneva County, said commission or governing body may, in the manner hereinafter specified, impose a tax of no more than five cents per acre to be paid by the owners of forest lands located in Geneva County for the use of the land for timber growing purposes amounting to the whole or any part of the cost of such fire protection program.

Section 3. The need for imposition of a tax to provide forest fire protection within the county shall be determined by the county governing body after a public hearing is held thereon. Notice of such public hearing shall be given by the county commission or other like governing body for a period of two consecutive weeks by advertisement in a newspaper of general circulation in Geneva County. Such advertisement must indicate the date, time, and place of the hearing, the manner proposed to finance such fire protection program, and the part of the cost of such program that is proposed to be paid by the owners of forest lands. Any person owning forest land in Geneva County may appear in person or by attorney at such time and place and make defense against the imposition of such a tax or the amount thereof. After such hearing the county commission or other like governing body shall determine the amount of such tax and enter on the minutes of the governing body an order imposing such tax.

Section 4. Any tax levied as provided in the above section shall be payable at the same time and in the same manner as county taxes and the owners of the forest lands, as herein defined, shall make report of same to the tax assessor of Geneva County at the time fixed by law for making return of the property of such property owner. Any taxes levied shall constitute a lien on the property against which they are levied. In case of default in the payment of such tax the subject land may be sold in the same manner and under the same conditions that lands are sold for the satisfaction of liens for county ad valorem taxes and redemption from such sale may be effected in the same manner as is provided by law for redemption where land is sold for non payment of ad valorem taxes.

Section 5. The county commission or other like governing body of Geneva County is authorized to appoint agents and delegate authority to individuals to search our forest lands in Geneva County, determine the area and the owners thereof, and report same to the Tax Assessor of Geneva County who shall be authorized, after notice by certified mail to such owners, and hearing before the county commission or other like governing body if so requested by such owners, to assess such tax against said forest lands as may be determined by the report of such agents or the determination of said county commission or other like governing body.

Section 6. The tax herein imposed shall be due and payable quarterly to the state department of revenue, and shall, when collected, be paid by such department into the state treasury, and accredited to Geneva County. All monies collected in accordance with this act shall be spent in participating in the Alabama Forestry Commission's forest fire protection program in Geneva County.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF GENEVA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Orsen B. Spivey, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Geneva County Reaper, a newspaper of general circulation published in Geneva County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 1, May 8, May 15, and May 22, all in the year 1975.

ORSEN B. SPIVEY.

Sworn to and subscribed before me May 22, 1975.

O. T. SPIVEY,
Notary Public.

By Mr. Kinsey (With Notice and Proof):

H. 1128. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 1128:

LEGAL A BILL TO BE ENTITLED AN ACT

To alter or rearrange the boundary lines of the town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate

limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Gulf Shores, and, in addition thereto the following described territory, to-wit:

Commence at the Southwest corner of Lot 33 of GULF SHORES ACRE TRACTS SUBDIVISION (recorded in Map Book 4, Pages 12 & 13, Baldwin County Probate records), and run in a northerly direction along the west line of said Lot 33 to the Northwest corner of said Lot 33, continue thence along a northerly extension of the West line of said Lot 33 a distance of 36 feet, more or less, to a point on the North right-of-way line of Tenth Street (as shown on said Gulf Shores Acre Tracts Subdivision plat), turn thence to the right and run Eastwardly along said right-of-way line a distance of 264 feet to a point; turn thence to the left and run Northwardly a distance of 500 feet to a point, turn thence to the right and run Eastwardly a distance of 396 feet, more or less, to a point on the East line of Section 5, Township 9 South, Range 4 East (and which is also the West line of Section 4, Township 9 South, Range 4 East), Baldwin County, Alabama, turn thence to the left and run Northwardly along said Section line a distance of 820 feet, more or less, to the Northwest corner of said Section 4 (and which is also the Southwest corner of Section 33, Township 8 South, Range 4 East), continue thence Northwardly along the West line of said Section 33 to the Northwest corner of the South one-half of said Section 33, turn thence to the right and run Eastwardly along the North line of the South one-half of said Section 33 to the Southwest corner of the Southeast Quarter of the Northwest Quarter of said Section 33, turn thence to the left and run Northwardly along the West line of the Southeast Quarter of the Northwest Quarter of said Section 33 to the Northwest corner of the Southeast Quarter of the Northwest Quarter of said Section 33, turn thence to the right and run Eastwardly along the North line of the Southeast Quarter of the Northwest Quarter of said Section 33 to the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 33, turn thence to the left and run Northwardly along the West line of the Northeast Quarter of said Section 33 to a point on the North line of said Section 33, turn thence to the right and run Eastwardly along and with the North line of said Section 33 to the Northeast corner of said Section 33, turn thence to the right and run Southwardly along the East line of said Section 33 to the Northwest corner of the South half of the Northwest Quarter of Section 34, Township 8 South, Range 4 East, turn thence to the left and run Eastwardly along the North line of the South half of the Northwest quarter of said Section 34 to the Northeast corner of the South half of the Northwest Quarter of said Section 34, turn thence to the right and run Southwardly along the East line of the South half of the Northwest Quarter of said Section 34 to the Southeast corner of the South half of the Northwest quarter of said section 34, then continue running Southwardly along an extension of the last course and which is also the East line of the Southwest Quarter of said Section 34 to a point on the South line of said Section 34, turn thence to the right and run Westwardly along the South line of said Section 34 to the Southwest corner of said Section 34 (and which point is also the Northeast corner of Section 4, Township 9 South, Range 4 East, Baldwin County Alabama), turn thence to the left and run Southwardly along the East line of said

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Section 4 to the Southeast corner of said Section 4, turn thence to the left and run Westwardly along the South line of said Section 4 to the Southwest corner of said Section 4, turn thence to the right and run Northwardly along the West line of said Section 4 to a point which is 1,356 feet South of the Northwest corner of said Section 4 and which point is also on the South right-of-way line of Tenth Street (as shown on referenced plat of GULF SHORES ACRE TRACTS SUBDIVISION); turn thence to the left and run Westwardly along the South right-of-way line of Tenth Street a distance of 300 feet to the Northwest corner of Lot 32 of said Gulf Shores Acre Tracts Subdivision and which point is also on the East right-of-way line of an un-named public street as shown on said plat, turn thence to the left and run Southwardly along the said East right-of-way line a distance of 300 feet to a point, turn thence to the right and run Westwardly a distance of 60 feet to the Southeast corner of Lot 33 of said Gulf Shores Acre Tracts Subdivision, run thence Westwardly along the South line of said Lot 33 a distance of 300 feet to the POINT OF BEGINNING.

Included in the above description are the following parcel(s) of property showing on subdivision plats of record in the Baldwin County Probate Office:

In GULF SHORES ACRE TRACTS SUBDIVISION [MG 4, pp. 12-13] All of Lot 33

SECTION 2: That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a "law."

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
BALDWIN COUNTY

Spencer Longshore, III, being duly sworn, deposes and says that he is the EDITOR of THE ONLOOKER, a Weekly Newspaper published at Foley, Baldwin County, Alabama, that the notice hereto attached of Alter Boundary Lines was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication June 5, 1975;

Date of 2nd publication June 9, 1975;

Date of 3rd publication June 16, 1975;

Date of 4th publication June 23, 1975.

Subscribed and sworn before the undersigned this 23 day of June, 1975.

MARY A. DAVIS,
Notary Public, Baldwin County.

SPENCER LONGSHORE, III,
Editor.

By Messrs. Leonard, Hall, LeFlore, Martin, Killian and Brindley:

H. 1129. Relating to elections and voting in them; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing that procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

Constitution and Elections.

By Mr. Hall:

H. 1130. Relating to abandoned strip mine reclamation; to provide for a program of control of soil erosion and sediment damage resulting from unreclaimed abandoned strip mines within the state, and to appropriate money for such program.

State Administration.

By Mr. Riddick:

H. 1131. To establish compensation from the State of Alabama to the Assistant District Attorneys of the Twenty-third Judicial Circuit; to repeal Act 1129, Acts of Alabama, 1973, p. 1904.

Ways and Means.

By Mr. Waggoner:

H. 1132. To amend Section 55, Title 36, Code of Alabama, 1940, as amended, which prohibits persons under sixteen years of age from operating motor vehicles, so as to provide that such persons may operate, without a license or learner's permit, a vehicle of an approved school driver's-education program, when such persons are accompanied by a qualified instructor, and during school hours.

Highway Safety.

By Mr. Whatley:

H. 1133. To allow heads of households to make wine at home in the amount and in the manner as prescribed by Federal law, and to repeal any conflicting laws.

Agriculture.

By Mr. Whatley:

H. 1134. To amend Title 8, Sections 100 and 101 of the Code of Alabama, 1940, so as to eliminate distinctions between resident and non-resident fur dealers.

Conservation.

By Messrs. Tucker, Hilliard, Falkenburg, Howard and Harrison (With Notice and Proof):

H. 1135. To provide for and create the Jefferson County Racing Commission for the regulation, licensing, and supervision of greyhound racing, and wagering thereon; to prescribe the composition, appointment, powers, and duties of the commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; and to provide certain penalties for the violations of this act and for other purposes relative thereto, and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

Local Legislation No. 2.

Notice and Proof H. 1135:

Notice is hereby given of intention to apply at the regular session of the legislature of Alabama of 1975 for the adoption of an act which will be as follows:

To provide for and create the Jefferson County Racing Commission for the regulation, licensing, and supervision of Greyhound racing, and wagering thereon; to prescribe the composition, appointment, powers, and duties of the commission; to provide for and regulate the

pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; and to provide certain penalties for the violations of this act and for other purposes relative thereto, and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Jefferson County Racing Commission is hereby created and established, and is vested with the powers and duties specified in this Act, and all other powers necessary and proper to enable it to execute fully and effectually the purposes of this Act. The official name of said commission shall be the Jefferson County Racing Commission, the same being sometimes referred to herein as the Racing Commission or the Commission. The Commission shall consist of five persons who shall be appointed as follows:

Two members of the Commission shall be appointed by the Jefferson County Commission. (Places 1 and 2).

One member of the Commission shall be appointed by the President of the Birmingham Area Chamber of Commerce. (Place 3).

One member of the Commission shall be appointed by the President of the Crippled Children's Foundation. (Place 4).

One member of the Commission shall be appointed by the President of the Greater Birmingham Convention Bureau. (Place 5).

The terms of office of the Commission shall be as follows:

The Commission members appointed by the Jefferson County Commission (Places 1 and 2) shall hold office for initial terms of two years from the effective date of the initial appointments with five-year terms of office thereafter to extend from the effective date of the subsequent appointment.

The Commission member appointed by the President of the Birmingham Area Chamber of Commerce (Place 3) shall hold office for an initial term of four years from the effective date of the initial appointment with five-year terms of office thereafter to extend from the effective date of the subsequent appointment.

The Commission member appointed by the President of the Crippled Children's Foundation (Place 4) shall hold office for the initial term of three years from the effective date of the initial appointment with five-year terms of office thereafter to extend from the effective date of the subsequent appointment.

The Commission member appointed by the President of the Greater Birmingham Convention Bureau (Place 5) shall hold office for an initial term of two years from the effective date of the initial appointment with five-year terms of office thereafter to extend from the effective date of the subsequent appointment.

The appointments to the Racing Commission as set forth herein shall be made by the designated parties no later than thirty (30) days from the date on which the election referred to hereinafter is conducted.

The Commissioners shall select from among their number, a Chairman and a Secretary. The Secretary shall keep a record of all proceedings of the Commission and shall preserve all books, maps, docu-

ments, papers, and records entrusted to the Commission's care. The Commission shall maintain an office at a location selected by them and may maintain branch offices elsewhere when the proper functioning of the Commission's business so requires. A majority of the Commission shall constitute a quorum for all purposes.

Section 2. The members of the Commission shall be qualified electors not less than twenty-five years of age, who shall have resided in Jefferson County for the period of five years next preceding their appointment, and each shall hold office as herein provided at the pleasure of the appointing officers, which terms shall begin with the effective date of this Act. Each Commissioner shall take the same constitutional oath of office as other county officers, and shall give bond payable to Jefferson County in the amount of Five Thousand Dollars (\$5,000.00), conditioned that he will faithfully and properly perform the duties of his office. The premiums on such bonds shall be paid by the commission. The commission may employ such assistants and employees as may be necessary, and may fix their compensation in such amounts as the county governing body may approve.

A member of the commission must not be an official or person financially interested in any race track or race meeting licensed by the commission, nor shall he race dogs in any race meeting licensed by the commission.

Section 3. The compensation of each member of the commission shall be one hundred dollars (\$100.00) per month. Said compensation and all expenses incurred by the commission and by the commissioners shall be paid out of the funds in the county treasury deposited to the credit of the Jefferson County Racing Commission, and shall be paid to the commissioners in the same manner as the compensation of other county officers is paid.

Section 4. The treasurer of Jefferson County ex-officio treasurer of the Jefferson County Racing Commission and shall collect all the license fees, taxes, and monies provided in this Act, and shall supervise, check, and audit the operation of the pari-mutuel wagering pools and the conduct and distribution thereof.

Section 5. It shall be the duty of the Jefferson County Racing Commission to carry out the provisions of this Act; and it shall have the following specific powers and duties:

(1) To supervise and regulate the entire racing and pari-mutuel operation as licensed under the provisions of this Act and to employ necessary inspectors, accountants, attorneys and such other employees and personnel as the Commission deems necessary to effectively administer the provisions of this Act.

(2) To approve, disapprove or extend the dates as submitted by the licensee upon which race meetings may be held or operated.

(3) To make an annual report to the county commission or like governing body of its operation, showing its own actions and rulings, the receipt derived under the provisions of this Act, and such suggestions as it may deem proper for the more effective accomplishment of the purpose of this Act.

(4) To require each applicant, who if the applicant be an individual, or group of individuals, must have been a resident or residents of the State of Alabama for at least five years immediately preceding the date on which said license is issued or if the applicant is a corporation, all stockholders and directors thereof must have been residents of

the State of Alabama for at least five years immediately preceding the date on which said license is issued, to set forth on the application for a license to operate a race meeting the following information:

(a) The full name of the person, association, or corporation, and if a corporation, the name of the state under which the same is incorporated, and the name of the corporation's agent for service of process within the State of Alabama.

(b) If an association or corporation, the names of the stockholders and directors of the corporation or the names of the officers and directors of the association.

(c) The proposed location where it is desired to conduct or hold a race meeting.

(d) Whether the racing plant is owned or leased, and if leased, the name and address of the owner, or if the owner is a corporation, the names of the officers and directors thereof, each of whom shall have been a resident of the State of Alabama for at least five years immediately preceding the date on which the license is issued; provided, however, that nothing in this subdivision shall prevent any person, association, or corporation from applying to the commission for a permit to conduct races where the racing plant has not been constructed.

(e) The kind of racing to be conducted and the dates requested.

(f) Such other information as the commission may require.

(5) To require an oath of every applicant, or by the president or executive officer of the association or corporation, stating that the information contained in the application is true.

(6) To make uniform rules and regulations governing the holding, conducting, and operating of all race tracks, race meetings, and races held in Jefferson County.

Section 6. All books, records, maps, documents, and papers of the commission, including those filed with the commission as well as those prepared by or for it, shall at all times be open for the personal inspection of any officer of the State of Alabama, or of the county, or of any municipality within Jefferson County, or of any official investigative body or committee, and no person having charge or custody thereof shall refuse this right to any such officer or investigative body or committee, and it shall be the express duty of such person to assist such officer or committee in locating records or information desired by them. Any member or employee of the commission who violates the provisions of this section shall be guilty of a misdemeanor and shall be fined not more than one hundred dollars (\$100.00) or imprisoned in the county jail not exceeding three months. If any member of the commission violates the provisions of this section, he shall be subject to removal from office.

Section 7. Any person, association, or corporation desiring to operate a race track in this county shall have the right, subject to the provisions of this Act, to hold and conduct one or more race meetings at such track each year provided that no such license shall be granted to any person, association or corporation, or to any track, for a period of less than one hundred fifty (150) racing days. Said dates shall not be required to be consecutive, and a racing day may include a matinee performance. No race or racing shall be permitted on Sundays. Any and all applicants for licenses to operate under this Act shall have been residents of the State of Alabama for at least five years immediately

preceding the date on which such license is issued. If the said applicant be an individual or group of individuals, the said applicant or applicants must have been a resident or residents of the State of Alabama for at least five years immediately preceding the date on which said license is issued or if the applicant is a corporation, all stockholders and directors thereof must have been residents of the State of Alabama for at least five years immediately preceding the date on which said license is issued. No persons under the age of qualified voters in the State of Alabama shall be permitted to attend said races or be employed in any manner about said track during the running of races except grooms and leadout boys and kennel, parking, kitchen, maintenance and office employees engaged in the performance of their assigned duties. Each person in the above categories must be at least 16 years of age. None of the above persons under the age of qualified voters in the State of Alabama or any other person under the age of qualified voters in the State of Alabama or any other person under the age of qualified voters in the State of Alabama shall be allowed in the parimutuel betting areas during the running of said races and each association shall be responsible for enforcing this rule.

Section 8. The commission may suspend or revoke the license of any licensee conducting a race meeting, upon the willful violation of any of the provisions of the subdivision or any rule or regulation promulgated by the commission or may invoke a fine not to exceed one thousand dollars (\$1,000) per offense in lieu thereof.

It is unlawful for any member of said racing commission, or any licensee under this chapter, directly or indirectly, to make any contribution whatsoever to any political party or to any candidate for any state, county or municipal office, and upon proof being presented of any such prohibited contribution having been made by any licensee, the commission shall immediately and permanently revoke the license of such licensee. If any member of said racing commission violates the provisions of this section, such member shall be subject to removal from office. No disciplinary action may be taken hereunder until the licensee has been presented with notice in writing specifying the time and place of a disciplinary hearing, said notice setting out in substance the nature of the accusation, and inviting the licensee to appear, with or without counsel, as the licensee may decide, the licensee being afforded an opportunity to face and examine his accusers, call witnesses, and testify if he chooses.

Section 9. The Racing Commission may extend the limitation of time for racing for a period not to exceed three (4) days at any one track beyond the period otherwise provided herein or as otherwise extended by the commission in order for the licensee to conduct a day of racing for the benefit of one or more charitable, educational, eleemosynary or law enforcement institutions, as approved by the commission and located in Jefferson County, Alabama. The total of all profits derived from the operation of such racing on such charitable, educational, eleemosynary or law enforcement institution days including all monies which would otherwise be received by the Racing Commission as taxes for such day's operation shall be and become a part of the charitable, educational, eleemosynary or law enforcement institution trust fund for which such racing on such days is conducted.

In determining profits derived from such racing on such charitable, educational, eleemosynary or law enforcement institute days, which profits shall include all taxes payable to the county or any agency thereof for such days' operations without the initial expense of operation allowance provided by law for greyhound tracks, said tracks shall only be entitled to deduct from the profits accruing from all receipts on such

charitable, educational, eleemosynary or law enforcement days of racing their actual operating expenses, which costs shall be those expenses incurred by the race track solely by reason of holding said charitable, educational, eleemosynary or law enforcement days of racing and shall not be deemed to include such expenses constant from day to day and which would have been incurred had the race on that day not been held, including, but not limited to, such items as capital expenditures, interest on debts, real estate taxes and annual license fees, donations, bad debts, and such other items of daily or pro rated expense as the racing commission may by rule prescribe.

Section 10. Any person, association, or corporation possessing the qualifications prescribed in this Act shall have the right to apply to the commission for a permit or license to conduct race meetings and racing under this Act. After the receipt of any such application, the commission shall convene to consider and act upon all permits or licenses applied for. Approved permits or licenses shall be granted for a period of not less than one (1) year from the date of issuance and shall set forth, in addition to any other information prescribed by the commission, the name of the licensee, the location of the race track, the duration of the race meeting and the kind of racing to be conducted, and shall show the receipt by the commission of a performance bond in the amount of fifty thousand dollars (\$50,000.00) to guarantee the operation of said race meeting. No such license shall be transferable, nor shall it apply to any other place, track, or enclosure except the one specified in this license.

Section 11. Should any licensee lose the license granted under the provisions of this Act, without cause, or should the license be revoked for any reason without the fault of the licensee, the commission shall thereupon reimburse the licensee for the cost of its physical plant as reflected by the licensee's books on the date of such revocation or cancellation, but expressly excluding therefrom the cost of land and accumulated depreciation to the date of such revocation or cancellation. Should such licensee and the commission be unable to agree on the amount of such reimbursement, the amount of the reimbursement shall be set and finally determined by the arbitration of three arbitrators with the licensee appointing one of the arbitrators, the commission appointing one of the arbitrators and those two arbitrators selecting and appointing the third such arbitrator.

Section 12. The commission is empowered to compel the production of any and all books, memoranda, or documents showing the receipts and disbursements of any licensee under the provisions of this Act. The commission may, at any time, require the removal of any employee or official employed by any licensee hereunder whenever it has reason to believe that such employee or official is guilty of any improper practice in connection with racing, has failed to comply with any condition of the license, or has violated any rule adopted by the commission. The commission shall have the power to require that the books and financial or other statements of any licensee be kept in a manner and method provided by the commission; and the commission shall be authorized to visit, investigate, and place auditors and inspectors in the offices, tracks, or place of business of any person, association or corporation licensed under this Act. The commission shall have power to summon witnesses before its meetings; to administer oaths to such witnesses, and to require testimony on any issue before it. Any person failing to appear before said commission, or failing to produce books, records, and documents ordered, or refusing to testify thereon, shall be deemed guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction, shall be punished by a fine of

not more than five hundred (\$500.00) dollars, or by imprisonment not to exceed six (6) months, or by both fine and imprisonment in the discretion of the court.

Section 13. The commission shall have the power to grant, refuse, suspend, or withdraw licenses to all persons connected with race tracks, including gatekeepers, announcers, ushers, starters, officials, drivers, greyhound owners, agents, trainers, grooms, stable foremen, exercise boys, veterinarians, valets, sellers of racing forms or bulletins, and attendants in connection with the wagering machines, pursuant to such rules and regulations as the commission may adopt and upon the payment of a license fee as fixed and determined by the commission in accordance with the position and compensation of such person. Any license may be revoked by the commission, for good cause shown, and any person whose license is revoked shall be ineligible to participate in such occupation connected with racing unless the license is returned by the commission with permission to operate thereunder. The commission may deny or revoke a license to any person who has been refused or denied a license by any other state racing commission or racing authority.

Section 14. The commission shall make rules governing, permitting, and regulating the wagering on greyhound races under the form of mutual wagering by patrons known as "Pari-Mutuel Wagering", which method shall be legal to the extent that, and so long as, the same is carried on and conducted strictly in conformity with this Act, and not otherwise. Only the persons, associations or corporations receiving a license from the commission shall have the right or privilege to conduct this type of wagering and the licensee shall restrict and confine this form of wagering to a space within the race meeting grounds. All other forms of wagering on the results of dog races shall continue to be illegal, and any or all wagering outside of the enclosure of such races, where such races shall have been licensed by the commission, shall be illegal.

No person or corporation shall directly or indirectly purchase pari-mutuel tickets or participate in the purchase of any part of a pari-mutuel pool for another for hire or for any gratuity and no person shall purchase any part of a pari-mutuel pool through another, wherein he gives or pays directly or indirectly such other person anything of value. Any person violating this section shall be deemed guilty of a misdemeanor, and, upon conviction in a court of competent jurisdiction, shall be punished by a fine or not more than five hundred (\$500.00) dollars, or by imprisonment not to exceed six months, or both fine and imprisonment in the discretion of the court.

Section 15. Every licensee conducting race meetings under the provisions of this subdivision, shall pay to the treasurer of Jefferson County in his capacity as ex-officio treasurer of the racing commission for the use of the commission, a tax in an amount equal to seven (7%) percent of the total contributions to all pari-mutuel pools conducted or made on any race track licensed under this subdivision. The commission of a licensee on a pari-mutuel pool shall in no event exceed eighteen percent (18%) of the amount contributed to said pari-mutuel pool, which amount shall include the seven percent (7%) tax heretofore provided. After the deduction of the seven percent (7%) for the use of the commission and the percentage commission of the licensee, the remainder of the total contributions to each pool shall be divided among and redistributed to the contributors to such pools betting on the winning dog. The amount of each redistribution for each winning bet placed shall be determined by dividing the total amount remaining in the pool after the deductions hereinabove provided for by the number

of bets placed on the winning dog. Each redistribution shall be made in a sum equal to the next lowest multiple of ten. The licensee is entitled to retain the odd cents of all redistributions to be known as the "breaks to a dime", and all monies represented by any unclaimed, uncashed, or abandoned pari-mutuel tickets known as "outs" money. Under the pari-mutuel system of wagering herein provided, the licensee shall be permitted to provide separate pools for bets to win, place, and show, also a daily double pool, quiniela pool, perfecta pool, trifecta pool, big quiniela pool (Big Q), big perfecta pool (Big P), twin double pool, tierce pool, perfecta tierce pool, and big tierce pool (Big T). The commission may permit other or additional types of pools and each pool shall be redistributed separately as herein provided. Should there be no ticket bet on the winning greyhound, the entire pool will be divided among the holders of tickets on the greyhound running next in line until the pool has been redistributed to the contributors. The licensee shall be required to use a totalizator machine to record the wagering and compute the odds. Rules and regulations governing the operation of each of the pools shall be set out in book form by the Jefferson County Racing Commission. The licensee shall collect from each person attending the race meetings under the provisions of this Act ten percent (10%) of the established admission price or five cents (5¢) whichever sum is the greater, as an admission tax. Licensees shall make payment of such taxes every seventh racing day of any and every race meeting, which payment shall be accompanied by a report on the races covered by such report and such other information as the commission may require.

Section 16. It is recognized that pari-mutuel wagering at dog tracks will produce substantial income to the State and County through taxes, and that it is in the best interests of the State and County that the business interests of operators should not be taxed to an extent as to cause a track which is operated under sound business principles to be forced out of business. It is therefore recognized that dog racing tracks incur a daily initial expense of operation created by certain factors which remain relatively uniform and constant throughout a race meeting. A licensed track holding a permit to conduct racing in Jefferson County under the authority of this statute in accordance with the rules and regulations of the Jefferson County Racing Commission, such greyhound track is authorized to withhold from the total maximum commission of eighteen percent (18%) that may be withheld from the total amounts contributed to pari-mutuel pools on greyhound races, the sum of Seventy Dollars (\$70.00) per race, which said amount shall be credited to the greyhound track operators as a daily "initial expense of operation". No tax shall be levied or collected on said \$70.00 per race so withheld, and all taxes imposed by this Act, or by any other act of the legislature, shall be imposed upon the 18% of total amounts contributed to any pari-mutuel pools at greyhound tracks less the above-described \$70.00 "initial expense of operation" amount per race. The daily "initial expense of operation" allowance shall be deducted from the 18% commission prior to any tax being imposed on said pool, and said allowance shall be credited to the track operator.

All allowances granted by this section to the track operator known as the "initial expense of operation" allowance, shall appear on the report tendered by the licensee as provided by this Act, and shall be shown on the tax report submitted by the licensee to the Jefferson County Racing Commission, in accordance with the rules and regulations of the Jefferson County Racing Commission.

Nothing in this section shall be construed so as to allow any greyhound track licensed under the provisions of this Act an "initial

expense of operation" allowance as provided herein for any day on which races may be held for the benefit of charitable, educational, eleemosynary or law enforcement organizations.

Section 17. If any free passes or complimentary cards shall be issued to guests by any licensee, such licensee shall nevertheless be responsible for payment of the admission tax upon such complimentary admission cards or passes as though they had been sold at the regular admission price. However, nothing herein contained shall be construed to prohibit the issuance of tax-free passes to officials and actual employees of the licensee, or other persons actually engaged in working at such track, including persons actually employed and accredited by the press or other news service; provided, that the issuance of all such tax-free passes shall be governed by the regulations and orders of the commission and a list of all such officers, employees, and news service representatives shall be filed with the commission.

Section 18. The license fees, commissions, and other taxes imposed herein shall be in lieu of all license fees, commissions and other taxes to the State of Alabama, or any county, city, town, or other political subdivision thereof.

Section 19. All fees, commission, taxes, and other monies, including fines, and forfeitures, received under the provisions of this Act shall be paid within 30 days to the treasurer of Jefferson County in his capacity as ex-officio treasurer of the Commission for deposit in the county treasury to the account of the Jefferson County Racing Commission. All such monies remaining after payment of the expenses incurred in the administration of this Act, including the payment of the salaries and expenses of the members and employees of this commission shall be distributed as follows:

- (a) 12.5% to the Birmingham Jefferson Transit Authority.
- (b) 25% to be divided among the county and municipalities located therein on a proportionate basis according to the population of such legal entities as shown by the most recent or any subsequent Federal decennial census, the population of the County being determined by counting only the number of residents of the County according to the most recent or any subsequent Federal or decennial census living outside the area of any incorporated municipality. At least 30% of the funds so distributed shall be used by the respective governing bodies for law enforcement purposes, provided the governing body has such an agency;
- (c) 25% to the Cooper Green Hospital or for other indigent care purposes as authorized by the County governing body;
- (d) 12.5% to the Quarterback Heart Tower;
- (e) 12.5% to the Lurleen Wallace Cancer Hospital;
- (f) 12.5% to the Jefferson County Commission to be appropriated to the Jefferson County Health Department in lieu of funds otherwise provided by law to be appropriated to the Jefferson County Health Department by the County and municipalities located within the County, depending on the sums obtained hereunder, this being a pro tanto reduction or total replacement of the appropriation otherwise provided by law to the Jefferson County Health Department.

Section 20. Any corporation, association, or person who directly or indirectly holds any greyhound race without having procured a license as prescribed in this Act, shall be guilty of a misdemeanor. Any person wagering upon the results of such a race, except in the

pari-mutuel or mutuel method of wagering when the same is conducted by a licensee and upon the grounds or enclosures of said licensee, shall be guilty of a misdemeanor. Any corporation, organization, association, or person who violates any provision of this Act, for which a penalty is not expressly provided shall be guilty of a misdemeanor. Upon conviction of any of the above misdemeanors in a court of competent jurisdiction, the penalty shall be a fine of not less than one-hundred (\$100.00) dollars, nor more than one-thousand (\$1,000.00) dollars, or by imprisonment of not less than five days nor more than six months, or both, such fine and imprisonment to be in the discretion of the court.

Section 21. No person who engages in the practice of professional gambling on greyhound races, or in the practice of making gambling or wagering books on such races, or who knowingly takes any part in such practices, shall be eligible as an applicant for any license or permit to operate a track or a race meeting under the provisions of this Act, or to be connected therewith in any capacity; and any association or corporation which has an officer, director, stockholder, executive, or employs any person who engages in such practices shall likewise be ineligible as a licensee, and the commission is hereby empowered to inquire into such matters in entertaining any such applications and otherwise in administering this Act.

Section 22. Any person who shall influence or have any understanding or connivance with any owner, groom, or other person associated with or interested in any kennel, greyhound, or race in which any greyhound participates, to prearrange or predetermine the results of any such race, or any person who shall stimulate or depress a greyhound for the purpose of affecting the results of a race, shall be guilty of a felony and upon conviction thereof, shall be imprisoned in the state prison for not less than one year nor more than ten years, or shall be fined not less than one-thousand dollars (\$1,000.00) nor more than five-thousand dollars (\$5,000.00) or both, in the discretion of the court.

Section 23. It shall be unlawful for any person to transmit or communicate to another by any means whatsoever the results, changing odds, track conditions, or any other information relating to any dog race from any race track in Jefferson County, between the period of time beginning one hour prior to the first race of the day and ending thirty minutes after the posting of the official results of each race, as to that particular race, except that this period may be reduced to permit the transmitting of the results of the last race each day not sooner than fifteen minutes after the official posting of such results. Provided, however, that the commission may, by rule, permit the immediate transmission by commercial radio, television, or press wire of any pertinent information concerning feature races.

It shall be unlawful for any person to transmit by any means whatsoever racing information to any other person, or to relay the same to any other person by word of mouth, by signal, or by use of telephone, telegraph, radio, or any other means, when the information is knowingly used or intended to be used for illegal gambling purposes, or in furtherance of such gambling purposes.

Any person violating the provisions of this section shall be guilty of a felony and, upon conviction, shall be imprisoned in the state penitentiary for not less than one year nor more than ten years, or shall be fined not less than one thousand (\$1,000.00) dollars nor more than five thousand (\$5,000.00) dollars, or both, in the discretion of the court.

Section 24. The county governing body of Jefferson County shall within 30 days from the effective date of this Act call and provide for holding a referendum for the purpose of determining if this Act shall become operative. The referendum shall be held within 90 days from the effective date of this Act and shall be advertised, held, conducted and the results thereof canvassed in the manner provided by law for advertising, holding and canvassing county bond elections. The question to be voted on shall be stated on the ballots or voting machine tabs substantially as follows:

"Do you favor the creation of the Jefferson County Racing Commission to regulate licensing and supervision of greyhound racing and wagering thereon as provided in Act No. _____ approved _____, 1975?"

If the majority of the votes cast in the referendum are "Yes", greyhound racing shall be legal in Jefferson County and this Act shall become operative therein; if the majority of the votes cast in the election are "No", an additional referendum to be called by the County Commission of Jefferson County at a time selected by them and set in accord with the provisions of this Section shall not be held within two years of such vote. The Probate Judge of Jefferson County shall certify the results of the referendum to the Secretary of State of Alabama within thirty (30) days after the election returns are canvassed.

Section 25. If any provision, paragraph or part of this Act shall be declared invalid, unconstitutional, or void, the balance of said Act shall remain in full force and effect.

Section 26. All laws or parts of laws in conflict with this Act are repealed.

Section 27. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared ELEANOR ABERCROMBIE FOSTER who, by me duly sworn, deposes and says that she is the PUBLISHER OF ALABAMA MESSENGER, (formerly the Alabama Legal Advertiser and the Birmingham Messenger), a weekly newspaper of GENERAL CIRCULATION, PUBLISHED and PRINTED in Jefferson County, Alabama, and which has been in CONTINUOUS WEEKLY PUBLICATION SINCE 1918, And that there was published in said newspaper in the issues of May 3, 10, 17, 24, 1975, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER,
Publisher.

Sworn and subscribed to on this the 27th day of May, 1975.

KAREN W. ABERCROMBIE,
Notary Public.

By Mr. Waggoner:

H. 1136. To amend Chapter 9 of Title 51 of the Code of Alabama of 1940, as heretofore amended.

Local Legislation No. 2.

By Messrs. McMillan, Hilliard, Waggoner, Sonnier, Hines, White, Biddle, Sandusky, Smith (B), Gafford, Armstrong, Boles, Moore (O), Hopping, Harrison, Leonard, Andrews, Jolly, Trammell, Howard, Porter, Hall, Riddick, Tucker, Falkenburg, Albright, Lutz, Gregg, Moore (W), McNair, LeFlore, Cooper, McCulley, Kinsey, Malone, Callahan, Glass, Johnstone and Kennedy:

H. 1137. To authorize the Director of Finance, the Highway Director, the Attorney General, the State Treasurer and the Executive Secretary to the Governor to become a corporation; to prescribe the powers of such corporation, including the power to construct interstate and defense highways in the State and to finance such construction by the issuance of its Bonds; to authorize the Corporation to issue not exceeding \$212,000,000 aggregate principal amount of Bonds; to authorize the issuance of Temporary Bonds and Notes in anticipation of the issuance of such Bonds; to provide that no such Obligations shall create an obligation or debt of the State but that such Obligations shall be limited obligations payable solely out of federal aid highway funds to be received during federal fiscal years 1977 through 1982, the proceeds of the taxes and fees in respect of gasoline and other motor fuels, and motor vehicles and the sale, receipt or use thereof, interest on the investment of funds herein provided for, and the revenues of the Corporation appropriated and pledged in this Act; to provide for the pledge of such funds, taxes, fees and appropriations to the payment of said Obligations; to provide that such Obligations and the income therefrom shall be exempt from taxation; to provide that such Obligations may be used to secure deposits of funds of the State and its instrumentalities and agencies and shall be lawful for the investment of trust funds; to authorize the Corporation to pledge for payment of the principal of and interest on such Obligations the money appropriated and the funds, taxes, fees and appropriations pledged in this Act; and otherwise to provide for or accelerate the construction of interstate and defense highway projects; and to confer on said Corporation the power of eminent domain.

Ways and Means.

By Messrs. Johnstone, McCulley, Malone, Robertson, Cooper, LeFlore, Hines, Smith (M), Folmar, Leonard, Smith (C), Kelley, Greer, Hill, Falkenburg, Carter, Starkey, Roberts, Carothers, Pegues, Smith (J), Taylor, Moore (O), Turnham, Williams, Hilliard, Rich, Waggoner, White, Naramore, Jackson (F), Albright, Wyatt, Burgess, Reed, Trammell, Whatley, Howard, Johnson, Clark, Lee, Holley, Hopping, McNair, Andrews, Dial, Edwards, Sasser, Mitchem, Martin, Weeks, Ford, Lewis, Tucker and Kennedy:

H. 1138. To amend Sections 4, 5, 7 and 9 of Act No. 1274, enacted at the 1973 Regular Session of the Legislature of Alabama, relating to restructuring the Coastal Area Board's composition, restructuring the budget authority of the Coastal Area Board, including certain formerly exempted activities within the authority of the Board, and amending the civil penalties for violations under this Act.

State Administration.

By Messrs. Barron, Harris, Wyatt, Plaster, Lewis and Holmes (With Notice and Proof):

H. 1139. Relating to the fifteenth judicial circuit, providing for two additional judicial circuit judges for such circuit, and creating a civil and a criminal division for said circuit.

Ways and Means.

Notice and Proof H. 1139:

JOURNAL OF THE HOUSE, 1975
13th Day

A BILL
TO BE ENTITLED
AN ACT

Relating to the fifteenth judicial circuit, providing for two additional judicial circuit judges for such circuit, and creating a civil and a criminal division for said circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. There are hereby created two additional judgeships for the fifteenth judicial circuit, the judges of which shall be appointed for the circuit by the governor within ten days after the effective date of this act, and who shall hold office until their successors are elected and qualified at the next general election for any state office. The successor judges so elected and qualified shall hold office until the following general election of circuit judges. At the first such general election for circuit judges held after the elections of the first two judges to fill the two judgeships hereby created, and every six years thereafter, a judge shall be elected to fill each such judgeship at the same election of other judges of the fifteenth judicial circuit.

The judges occupying the judgeships provided for herein shall have and exercise all the jurisdiction, power, rights and authority; shall possess all of the qualifications; shall perform all of the duties required; and shall be subject to all the pains and penalties of such office as the other circuit judges of the fifteenth judicial circuit are subject to.

The compensation of such judges shall be the same as, and paid under the same terms and manner, as that of other circuit judges in the fifteenth judicial circuit.

Section 2. The fifteenth judicial circuit shall hereafter be divided into two separate divisions: (1) the criminal division, and (2) the civil division, for the purpose of facilitating the judicial case load coming before the said judicial circuit court.

(a) The criminal division, which shall hear all criminal proceedings tried in the circuit, shall be composed of at least two circuit judges who shall be assigned to the said criminal division by the presiding judge of the fifteenth judicial circuit. The said presiding judge shall have the discretion to assign and re-assign judges to the criminal division, as well as to fill vacancies, so long as the said division is composed of at least two judges at all times.

(b) The civil division, which shall hear all civil actions coming before the court, shall have one or more circuit judges who shall be assigned by the presiding judge of the circuit in a similarly discretionary manner as the assignment of judges to the criminal division.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approved by the Governor, or upon its other-wise becoming a law.

STATE OF ALABAMA
MONTGOMERY COUNTY

Before me, Kathleen F. Meads, a Notary Public in and for the State and County aforesaid, personally appeared Betty K. Shine, who, first being duly sworn according to law, deposes and says that she is BOOKKEEPER for The Advertiser Company, publishers of The Montgomery Advertiser and the Alabama Journal, and that the advertisement of Montgomery County Commission (A Bill to be entitled an Act) appeared in said publication The Alabama Journal June 6, 13, 20, 27, 1975.

BETTY K. SHINE.

Sworn and subscribed before me this 3rd day of July 1975.

KATHLEEN F. MEADS,
Notary Public, Montgomery County, Alabama.

By Messrs. Kennedy and LeFlore:

H. 1140. To propose an amendment to the Constitution of Alabama that every elective public officer of the state of Alabama may be recalled from office at any time by the electors entitled to vote for a successor of such incumbent through the procedure and in the manner herein provided for, which procedure shall be known as the recall.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Kennedy and Sonnier:

H. 1141. To propose and provide for the submission of an amendment to Section 14 of the Constitution of Alabama of 1901, so as to provide that the legislature may by law direct in what courts, and in what cases suits may be brought against the state and local county and city governments.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Kennedy and Sonnier:

H. 1142. To provide that suits may be brought against the state in the same manner as they are now brought against private corporations, with service of process on the State Attorney General or any of his assistants; this bill to take effect upon passage of an amendment to the state constitution authorizing suits against the state.

Judiciary.

By Mr. Kennedy:

H. 1143. To provide indeterminate sentencing in the case of all felonies except murder in the first degree.

Judiciary.

By Messrs. Kennedy, Malone, Sonnier, Sandusky, Cooper and Reed:

H. 1144. Proposing an amendment to the Constitution of Alabama providing that conviction of any crime under the laws of this state

shall not be cause for forfeiture of any civil or political rights in this state except the right to hold public office.

Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Kennedy and Sonnier:

H. 1145. Relating to insurance; providing that the insurer may be joined as a defendant in certain actions against the insured.

Judiciary.

By Mr. Gafford:

H. 1146. Proposing an amendment to the Constitution of Alabama 1901, Article VI, Section 140, as amended by Act No. 1051, S. 214, Regular Session, 1973 (Acts 1973, Regular Session, Vol. III, p. 1676), providing for the expansion of the Supreme Court's powers of original jurisdiction relating to questions of the Governor, constitutionality of state law, or certain bills pending in the legislature.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Barron, Harris, Wyatt, Plaster, Holmes and Lewis (With Notice and Proof):

H. 1147. Relating to the fifteenth judicial circuit, authorizing the hiring of two secretaries, one for the criminal division and one for the civil division of the circuit court, chosen by the presiding judge of the fifteenth judicial circuit, and paid by the county comprising the circuit.

Local Legislation No. 4.

Notice and Proof H. 1147:

A BILL
TO BE ENTITLED
AN ACT

Relating to the fifteenth judicial circuit, authorizing the hiring of two secretaries, one for the criminal division and one for the civil division of the circuit court, chosen by the presiding judge of the fifteenth judicial circuit, and paid by the county comprising the circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The presiding judge of the fifteenth judicial circuit is hereby authorized to hire, in his discretion, two additional secretaries for the said circuit, one to be assigned to the criminal division, and one to be assigned to the civil division of the circuit court for the fifteenth judicial circuit. The salaries for the two secretaries hereby authorized to be hired shall each be payable in equal monthly installments from the general funds of the county comprising said circuit.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

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Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
MONTGOMERY COUNTY

Before me, Kathleen F. Meads, a Notary Public in and for the State and County aforesaid, personally appeared Betty K. Shine, who, first being duly sworn according to law, deposes and says that she is BOOKKEEPER for The Advertiser Company, publishers of The Montgomery Advertiser and the Alabama Journal, and that the advertisement of Montgomery County Commission (A Bill to be entitled an Act) appeared in said publication The Alabama Journal June 6, 13, 20, 27, 1975.

BETTY K. SHINE.

Sworn and subscribed before me this 3rd day of July 1975.

KATHLEEN F. MEADS,
Notary Public, Montgomery County, Alabama.

By Mr. Andrews:

H. 1148. To make it unlawful for anyone in the state to flee or attempt to elude any lawful officer of the State of Alabama after being directed to stop; to provide for designation of such offense as a felony; and to prescribe punishment for same.

Judiciary.

By Mr. Smith (J) (With Notice and Proof):

H. 1149. Relating to Geneva County; to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners.

Local Legislation No. 1.

Notice and Proof H. 1149:

STATE OF ALABAMA
COUNTY OF GENEVA

Notice is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application for its passage will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Geneva County; to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners;

Be It Enacted by the Legislature of Alabama:

SECTION 1. The sheriff of Geneva County shall be entitled to keep and retain the allowances payable by the state for feeding prisoners.

SECTION 2. This act shall become effective immediately upon its approval by the Governor or upon its otherwise become a law.

CERTIFICATE OF PUBLICATION

STATE OF ALABAMA
GENEVA COUNTY

I, Orsen B. Spivey, Publisher of the Geneva County Reaper, a weekly newspaper published in Geneva, Geneva County, Ala.* do hereby certify that the advertisement attached hereto has been published in said newspaper for a period of four consecutive weeks, commencing May 22, 1975, and ending June 12, 1975.

WITNESS my hand this 12 day of June, 1975.

ORSEN B. SPIVEY.

Sworn to and subscribed before me this 12 day of June, 1975.

O. T. SPIVEY,
Notary Public.

By Mr. Lee:

H. 1150. Proposing an amendment to Article XII, Section 232 of the Constitution of Alabama relating to foreign corporations so as to remove the provision concerning the venue of actions against such corporations.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Lee:

H. 1151. To amend Section 60 of Title 7 of the Code of Alabama of 1940 relating to venue of actions against corporations so as to provide that the venue of actions against foreign corporations shall be the same as against domestic corporations.

Constitution and Elections.

By Messrs. Drake and Sparks (With Notice and Proof):

H. 1152. To amend Act No. 707, H. 1354, 1973 Regular Session, (Acts 1973, p. 1058) entitled "An Act To authorize the governing body of Cullman County to provide for all help and equipment in the offices of the several officers in that county" to include all employees of the sheriff's department and intermediate court except the clerk of said court.

Local Legislation No. 1.

Notice and Proof H. 1152:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF CULLMAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 707, H. 1354, 1973 Regular Session, (Acts 1973, p. 1058) entitled "An Act To authorize the governing body of Cullman

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County to provide for all help and equipment in the offices of the several officers in that county" to include all employees of the sheriff's department and intermediate court except the clerk of said court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 707, H. 1354, 1973 Regular Session (Acts 1973, p. 1058) is amended to read as follows:

"Section 2. 'County officers' as used in Section 1 shall include, among others, the sheriff of the county and the judge of the intermediate court. However, nothing in this act shall authorize empower or require the governing body of Cullman County to make any provision concerning the clerk of the intermediate court not heretofore authorized or required."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Marc Miller, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Tribune, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 22, May 29, June 5, and June 12, all in the year 1975.

MARC MILLER.

Sworn to and subscribed before me May 29, 1975.

CHARLOTTE MILLER.

By Messrs. Drake, Cross, Carter, Martin and Roberts:

H. 1153. Relating to the eighth judicial circuit; to provide a further additional expense allowance for each judge and for the district attorney of the circuit.

Local Legislation No. 1.

By Messrs. Reed and Whatley:

H. 1154. To provide for an additional annual appropriation to Sweet Potato and Small Fruits Breeding, Production and Utilization Research within the Department of Agricultural Sciences at Tuskegee Institute.

Ways and Means.

By Messrs. Albright, Lutz, Riddick, Starkey, Gregg, Waggoner, McNees, Hill and Greer:

H. 1155. To authorize the Alabama Department of Labor to provide a program of volunteer compliance services whereby businesses will be provided with information necessary to comply with standards, rules, and regulations of the Occupational Safety and Health Administration (OSHA), to consult and advise employers and employees as to the effective means of preventing occupational injuries and illnesses, and

encourage employers and employees to achieve and maintain safe and healthful workplaces; and for related purposes, to appropriate funds to provide such assistance and to comply with the requirements and regulations thereunder.

Ways and Means.

By Mr. Albright:

H. 1156. To make a special appropriation to Alabama Agricultural and Mechanical University located in Huntsville, Alabama and prescribe the use thereof for campus improvements, purchasing certain needed science and telecommunication equipment, and improving facilities and equipment for Bibb Graves Hall and the Trade Building.

Ways and Means.

By Messrs. Barron and Harris (With Notice and Proof):

H. 1157. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory, owned by the city and commonly referred to as Lagoon Park, all of which is located in Montgomery County, Alabama.

Local Legislation No. 4.

Notice and Proof H. 1157:

NOTICE TO THE PUBLIC

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made;

A BILL TO BE ENTITLED AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory, owned by the city and commonly referred to as Lagoon Park, all of which is located in Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Montgomery, in Montgomery County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said city additional territory, owned by said city, lying within the following described boundaries, to-wit:

Begin at the Northwest corner of Section 1, Township 16 North, Range 18 East; thence run South 88 deg. 53' East along the Northerly line of the said Section 1 a distance of 1277.4 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter of the said Section 1; thence South 03 deg. 18' West a distance of 1,374.35 feet; thence South 89 deg. 11' East a distance of 1,325.86 feet to a point on the Eastern property line of Lagoon Park; thence continue along the said Eastern property line North 14 deg. 03' West a distance of 136.47 feet; thence North 74 deg. 25' East a distance of 240.76 feet to a point on the southwesterly right-of-way line of the Eastern Bypass; thence North 15 deg. 35' West along the southwesterly right-of-way line of the said Eastern Bypass a distance of 60.0 feet to a point on the said southwesterly right-of-way line; thence South 74 deg. 25' West a distance of 239.16 feet; thence North 14 deg. 03' West a distance of 169.28 feet; thence North 88 deg. 53' West a distance of 562.28 feet; thence

North 03 deg. 18' East a distance of 727.75 feet; thence North 17 deg. 52' West a distance of 302.64 feet; thence North 88 deg. 53' West a distance of 544.71 feet to the said Northeast corner of the Northwest Quarter of the Northwest Quarter of said Section 1; thence North 09 deg. 00' West a distance of 2,678.92 feet; thence South 88 deg. 18' East a distance of 357.27 feet; thence South 02 deg. 03' East a distance of 96.62 feet; thence South 86 deg. 39' East a distance of 214.39 feet to a point on the southwest right-of-way line of the Eastern Bypass; thence northwesterly along the southwest right-of-way line of the Eastern Bypass, along a curve the chord of which is North 31 deg. 32' West, a distance of 2,793.53 feet; thence continue northwesterly along the southwest right-of-way line of the Eastern Bypass, along a curve the chord of which is North 49 deg. 02' West, a distance of 603.74 feet; thence South 89 deg. 55' West a distance of 2,055.6 feet; thence South 00 deg. 05' West a distance of 80.8 feet; thence South 89 deg. 55' West a distance of 127.85 feet; thence South 00 deg. 05' West a distance of 801.2 feet to a point on the northerly right-of-way line of Gunter Park Drive East; thence South 87 deg. 56' East a distance of 77.85 feet to the southwesterly corner of an Alabama Power Company sub-station site; thence North 00 deg. 05' East a distance of 260.0 feet to the Northwesterly corner of the said substation site; thence South 89 deg. 55' East a distance of 250.0 feet to the northeasterly corner of said substation site, thence South 00 deg. 05' west a distance of 268.66 feet to a point on the southeastern corner of the said substation site on the northerly right-of-way line of Gunter Park Drive East; thence South 87 deg. 56' East along the northerly right-of-way line of Gunter Park Drive East a distance of 514.58 feet; thence southeasterly along the northerly and easterly right-of-way line of Gunter Park Drive East, along a curve the chord of which is South 52 deg. 50' East, a distance of 387.76 feet; thence continue along the easterly right-of-way line of Gunter Park Drive East, South 00 deg. 15' East a distance of 982.8 feet; thence continue along the easterly right-of-way line of Gunter Park Drive East, South 00 deg. 20' East a distance of 2,614.40 feet; thence continue along the easterly right-of-way line of Gunter Park Drive East, along a curve the chord of which is South 09 deg. 05' East, a distance of 423.64 feet; thence continue along the easterly right-of-way line of Gunter Park Drive East, South 17 deg. 50' East a distance of 350.03 feet; thence continue along the easterly right-of-way line of Gunter Park Drive East, along a curve the chord of which is South 06 deg. 30' East, a distance of 427.54 feet; thence continue along the easterly right-of-way line of Gunter Park Drive East, South 04 deg. 48' West a distance of 440.83 feet to a point (which is the Northwesterly corner of property of Alabama Power Company); thence North 89 deg. 46' East a distance of 193.38 feet to the northeastern corner of the said Alabama Power Company property; thence South 04 deg. 48' West a distance of 200.0 feet to the southeastern corner of the said Alabama Power Company property; thence South 89 deg. 46' West a distance of 200.0 feet to a point on the easterly right-of-way line of Gunter Park Drive East; thence, along a curve the chord of which is South 12 deg. 50' West, a distance of 83.4 feet to the Southerly boundary line of the Lagoon Park property (which is the south right-of-way line of a proposed road); thence North 89 deg. 46' East along the Southerly boundary line of the Lagoon Park property a distance of 1,373.20 feet to the western line of said Section 1; thence run along the western line of the said Section 1 North 03 deg. 13' East a distance of 1,375.07 feet to the Northwest corner of said Section 1, Township 16 North, Range 18 East, the point of beginning.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon otherwise becoming a law.

STATE OF ALABAMA
MONTGOMERY COUNTY

Before me, Kathleen F. Meads, A Notary Public in and for the State and County aforesaid, personally appeared Guyton Parks, who, first being duly sworn according to law, deposes and says that he is General Manager for The Advertiser Company, publishers of The Montgomery Advertiser and the Alabama Journal, and that the notice by The City of Montgomery, Alabama, entitled "Notice to the Public" is a true and full copy of a notice that appeared in said publication The Montgomery Advertiser on June 14, 21, 28, and July 5, 1975, being once a week for four consecutive weeks.

GUYTON PARKS.

Sworn and subscribed before me this 10th day of July 1975.

KATHLEEN F. MEADS,
Notary Public, Montgomery County, Alabama.

RESOLUTIONS

The following resolutions introduced on the twelfth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 125. COMMENDING GENERAL DANIEL JAMES, JR.

H. R. 128. CONGRATULATING MR. AND MRS. H. DEE HALL
ON THEIR FIFTIETH ANNIVERSARY.H. R. 129. CONGRATULATING MR. AND MRS. J. R. YOUNG
ON THEIR FIFTIETH ANNIVERSARY.H. R. 130. CONGRATULATING MR. AND MRS. E. C. NOLES ON
THEIR FIFTIETH ANNIVERSARY.H. J. R. 131. WISHING REPRESENTATIVE JACKSON A HAPPY
BIRTHDAY.H. J. R. 133. CONGRATULATING MR. AND MRS. GEORGE V.
MAHONEY ON THEIR GOLDEN WEDDING ANNIVERSARY.

On motion of Mr. Manley, the resolutions were adopted en masse.

BILLS ON THIRD READING

And the bill:

H. 957. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census; to provide an increased clerk hire allowance for certain county officials.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Messrs.: Baker, Brindley, Campbell, Carothers, Carter, Cooper, Crawford, Dial, Drake, Falkenburg, Folmar, Goodwin, Gregg, Hall, Higginbotham, Holley, Hopping, Jackson (F), Johnstone, Kelley, Killian, Lockett, Lutz, McCluskey, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Pegues, Reed, Roberts, Robertson, Sandusky, Sasser, Smith (M), Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Williams and Wyatt.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 969. (With Amendment): Relating to counties having populations of not less than 39,500 nor more than 41,500 according to the most recent Federal Decennial Census, providing for the County Commission to borrow not more than \$300,000.00 for a period not to exceed 18 months to pay for renovation of the County Courthouse within such counties.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend House Bill 969 by deleting the figure 41,500 where it appears on lines 14 and 21 on page 1 and inserting in lieu thereof the figure, viz: 41,750

And the amendment was adopted.

Yeas 56; Nays 0.

Yeas:

Messrs.: Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Holley, Hopping, Howard, Jackson (F), Johnstone, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Reed, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (M), Sonnier, Starkey, Turnham, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—56

And the bill:

H. 969. Relating to counties having populations of not less than 39,500 nor more than 41,750 according to the most recent Federal Decennial Census, providing for the County Commission to borrow not more than \$300,000.00 for a period not to exceed 18 months to pay for renovation of the County Courthouse within such counties.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Messrs.: Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Hopping, Howard, Jackson (F), Johnstone, Kennedy, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Reed, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (M), Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

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And the bill:

H. 976. Relating to Coosa county; to provide further for the type of newspapers in which certain notices required to be published in newspapers under the provisions of Section 713, Title 7, Code of Alabama 1940, may be published.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 61; Nays 1.

Yeas:

Messrs.: Baker, Barron, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Hopping, Howard, Jackson (F), Johnstone, Kennedy, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Owens, Pegues, Plaster, Reed, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (M), Sonnier, Starkey, Trammell, Turnham, Warren, Weeks, Williams and Wyatt.

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Nay: Mr. Morris.

—1

And the bill:

H. 1001. Relating to the circuit judge in every judicial circuit composed of one county, having but one circuit judge, with a population of not less than 27,000 nor more than 27,900, authorizing an expense allowance for the circuit judge; and repealing Act No. 1467, S. 1001, 1971 Regular Session (Acts of 1971, p. 2510) entitled, "An Act relating to the office of the circuit judge in every judicial circuit composed of one county, having but one circuit judge with a population of not less than 27,000 nor more than 27,900, authorizing an expense allowance for the circuit judge."

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Messrs.: Andrews, Baker, Barron, Biddle, Boles, Burgess, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Hopping, Howard, Jackson (F), Johnstone, Lutz, McCulley, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Owens, Pegues, Plaster, Reed, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Weeks, Williams and Wyatt.

—58

And the bill:

H. 1002. To amend further the title and Section 1 of Act No. 611, H. 754, Regular Session 1967 (Acts 1967, p. 1416), as amended, which provides for the appointment of an additional clerk as assistant to the clerk by the circuit court clerk in certain counties classified on a population basis, so as to increase the compensation of said assistant to the clerk.

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Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Messrs.: Andrews, Baker, Barron, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Hopping, Howard, Jackson (F), Johnstone, Lockett, Lutz, McCluskey, McCulley, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Weeks, Williams and Wyatt.

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And the bill:

H. 1003. Relating to the official court reporter in every judicial circuit, composed of one county with a population of not less than 27,000 nor more than 27,900, so as to authorize an expense allowance for the court reporter.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Messrs.: Albright, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Hopping, Howard, Jackson (F), Johnstone, Lockett, Lutz, McCluskey, McCulley, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, White, Williams and Wyatt.

—66

And the bill:

H. 265. (With Amendments): To require at least one member of the board of registrars in all counties having populations of not less than 150,000 nor more than 180,000 according to the most recent or any subsequent decennial census to visit each legislative house district for the purpose of accepting forms for the reidentification of voters and for the purpose of accepting applications for the registration of voters; to provide for the designation of places to be visited; to provide further for the compensation and mileage of members of the board.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. B. 265 by adding the following sentence on line 9 of page 2, Section 2:

Provided, however, after one year, the board of registrars may in its discretion discontinue the visiting of legislative house districts for the purposes of registering voters if the number of voters registered is not sufficient to warrant such visits.

And the amendment was adopted.

Yeas 61; Nays 0.

Yeas:

Messrs.: Albright, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Harris, Higginbotham, Hill, Holley, Howard, Jackson (F), Johnstone, Kennedy, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Williams and Wyatt.

—61

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. B. 265 by adding the following sentence on line 18, of page 2, Section 3:

Such visits for the registration of voters to a legislative house district may be discontinued upon the request of the representative of the district.

And the amendment was adopted.

Yeas 66; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Howard, Jackson (F), Kennedy, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Reed, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Warren, White, Williams and Wyatt.

—66

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. B. 265 by adding in Section 2, line 2 thereof, at line 29, of page 1 of said act, after the word registrars, the following words and phrases:

, or a duly authorized county deputy registrar who shall serve without compensation,

And the amendment was adopted.

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Yeas 65; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Howard, Jackson (F), Johnstone, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Warren, Weeks, White, Williams and Wyatt.

—65

And the bill, H. 265 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Howard, Jackson (F), Johnstone, Kennedy, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, White, Williams and Wyatt.

—66

And the bill:

H. 823. Relating to all counties having populations of not less than 125,000 nor more than 175,000 according to the most recent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Holley, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kennedy, Lewis, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

—69

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Barron and Holmes as co-sponsors to the bill, H. 823.

And the bill:

H. 824. Relating to counties having populations of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census, to provide for the payment of benefits to the employees of any such county who are totally disabled as the result of injuries received in the performance of their official duties and to the surviving dependents of employees of such counties who are killed in the performance of their official duties, and repealing all conflicting laws.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Holley, Holmes, Howard, Jackson (F), Johnstone, Jolly, Lewis, Lutz, McCluskey, McCulley, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

—64

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Barron, Plaster and Holmes as co-sponsors to the bill, H. 824.

And the bill:

H. 170. Relating to Washington County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Washington County.

Was taken up.

Mr. McCulley offered the following amendment to the bill:

Strike out Section 14 in its entirety and substitute in lieu thereof the following:

Section 14. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Washington County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the same day as the next primary election for state and county officers held after final passage of this act. Notice of the election shall be given by the judge of probate of Washington County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law providing for a county engineer and for the repair, maintenance, and construction of county roads and bridges insofar as is feasible on the basis of the county as a unit, without regard to district or beat lines? Yes () No ()." If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect immediately thereafter. If a majority of the votes cast are negative, the act shall have no further effect. The judge of probate of Washington County shall certify the results of the election to the Secretary of State and to the State Highway Director immediately after the returns have been certified.

And the amendment was adopted.

Yeas 47; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Boles, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Drake, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hopping, Jackson (F), Johnstone, Lockett, Lutz, McCluskey, McCulley, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Plaster, Quarles, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Warren, Williams and Wyatt.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 170 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Messrs.: Albright, Baker, Barron, Boles, Brindley, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

—65

And the bill:

H. 927. Relating to St. Clair County, providing for the salaries of the chief deputy sheriff and the existing deputy sheriffs, providing for the hiring of additional deputy sheriffs for said county, and providing retroactive effect to the provisions of this act.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Messrs.: Albright, Baker, Barron, Boles, Brindley, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falk-

enburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

—70

And the bill:

H. 928. Relating to St. Clair County; fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Messrs.: Albright, Barron, Boles, Brindley, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—72

And the bill:

H. 945. (With Amendment): Relating to Elmore County; to provide for an expense allowance for certain county officers and employees.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 945 by deleting Section 5 of page 2 in its entirety and adding the following:

Section 5. The provisions of this act shall become effective on October 1, 1975.

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Messrs.: Baker, Barron, Boles, Brindley, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kennedy, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, San-

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dusky, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

—72

And the bill, H. 945 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—76

And the bill:

H. 946. To amend further Section 1 of Act No. 47, H. 100 of the 1962 Special Session, as amended, an Act fixing the compensation of certain officers of Elmore County so as to increase the compensation of certain of the officers whose compensation has heretofore been fixed by such Act and to fix the compensation of other officers of such county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kennedy, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

And the bill:

H. 972. To amend Section 1 of Act No. 451, S. 659, Regular Session of the Legislature of 1973, which act relates to the office of supernumerary county commissioner in all counties with a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census, so as to further prescribe the qualifications for said position in such counties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Messrs.: Albright, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Roberts, Sandusky, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—73

And the bill:

H. 226. To require every person using, operating or driving a motor vehicle upon or over the roads and highways of the State of Alabama to bring said motor vehicle to a complete stop when approaching a church bus, or other vehicle used in transporting persons to and from church, while said church bus or other vehicle used in transporting persons to and from church is engaged in taking on or discharging passengers and prescribing the penalty for violating the provisions of this act.

Having been postponed on the twelfth legislative day, was taken up.

H. 226 POSTPONED

On motion of Mr. Smith (M), the bill, H. 226, was postponed to the eighteenth legislative day.

And the bill:

H. 228. To amend the Code of Alabama 1940, Title 36, Section 5(1), which establishes a state maximum speed limit for motor vehicles on the highways of Alabama, to provide for a maximum speed of 55 miles per hour.

Having been postponed on the twelfth legislative day, was taken up.

H. 228 POSTPONED

On motion of Mr. Smith (M), the bill, H. 228, was postponed to the fourteenth legislative day.

Yeas 59; Nays 18.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Gafford, Glass, Goodwin, Gregg, Higginbotham, Hilliard, Holley, Holmes, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Lee, LeFlore, Lewis, McMillan, McNeese, Manley, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Riddick, Sandusky, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Turnham, Venable, Warren, Weeks, Whatley and Williams.

—59

Nays:

Messrs.: Barron, Hopping, Howard, Leonard, Lockett, McCulley, McNair, Malone, Martin, Moore (O), Pegues, Roberts, Robertson, Smith (B), Trammell, Tucker, White and Wyatt.

—18

And the bill:

H. 227. To make an appropriation to the Division of Game and Fish, Department of Conservation and Natural Resources from the Game and Fish Fund for the purchase of radio communications equipment.

Having been postponed on the twelfth legislative day, was taken up.

H. 227 POSTPONED

On motion of Mr. Smith (M), the bill, H. 227, was postponed to the eighteenth legislative day.

Yeas 58; Nays 16.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Gafford, Glass, Goodwin, Higginbotham, Hilliard, Holley, Holmes, Hopping, Jackson (F), Johnson, Johnstone, Kennedy, Killian, Lee, Lutz, McCluskey, McMillan, McNees, Manley, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Sandusky, Shelton, Smith (C), Smith (M), Sonnier, Turnham, Venable, Waggoner, Warren, Weeks, Whatley and Williams.

—58

Nays:

Messrs.: Barron, Greer, Howard, Jolly, Leonard, Lockett, McCulley, McNair, Malone, Martin, Moore (O), Roberts, Robertson, Smith (B), Trammell and Wyatt.

—16

BILLS TEMPORARILY POSTPONED

On motion of Mr. Manley, the bills, H. 69 and H. 70, were temporarily postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Coburn, the rules were suspended in order to bring up out of order the bill, H. 442.

And the bill:

H. 442. To make a supplemental appropriation to the Department of Conservation and Natural Resources, Divisions of Game and Fish and Water Safety.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn,

Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 251. To amend Section 120 and Section 158 of Act 407, H. B. 198, Regular Session, 1971, (Acts of Alabama, 1971, Volume II, Page 774), as amended, which regulates the licensing of insurance agents, by limiting the persons to whom licenses may be issued and establishing qualifications required for said persons to be issued a license.

Was taken up.

Mr. Owens offered the following amendment to the bill:

Amend H. B. 251 by inserting the following words on lines 21 and 32 on page 3 and on lines 23 and 32 on page 5 between the word "insurance," and the word "which", viz:

, now or in the future,

And the amendment was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Burgess, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Hill, Hines, Holley, Hopping, Jackson (F), Johnson, Johnstone, Kelley, LeFlore, Lewis, Lockett, McCluskey, McCulley, McNair, McNees, Malone, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

—76

Mr. Wyatt offered the following amendment to the bill, H. 251 as amended:

Amend H. B. 251, line 4, page 6, by making the following Section 3 and renumbering the subsequent sections.

Provided, however, the provisions of this act shall not apply to agricultural cooperative financial institutions authorized to do business in this state by an act of the Congress of the United States or by the laws of the State of Alabama.

And the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Burgess, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Cross, Crowe,

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Dial, Drake, Falkenburg, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Lee, LeFlore, Lewis, Lutz, McNees, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—68

MOTION TO POSTPONE

Mr. Morris offered the motion that the bill, H. 251 as amended, be postponed to the eighteenth legislative day.

MOTION TO TABLE LOST

The motion offered by Mr. Owens to table the motion offered by Mr. Morris that the bill, H. 251 as amended, be postponed to the eighteenth legislative day, was lost.

Yeas 43; Nays 43.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Boles, Callahan, Carothers, Cates, Clark, Cooper, Cross, Dial, Goodwin, Hall, Harrison, Higginbotham, Jackson (F), Johnson, Johnstone, Kinsey, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, Malone, Martin, Moore (W), Naramore, Owens, Rich, Riddick, Robertson, Sandusky, Sasser, Smith (M), Sonnier, Sparks, Taylor, Whatley, Williams and Wyatt.

—43

Nays:

Messrs.: Andrews, Biddle, Brindley, Campbell, Carter, Coburn, Crawford, Crowe, Drake, Edwards, Folmar, Ford, Gafford, Glass, Greer, Gregg, Harris, Hill, Holley, Hopping, Howard, Jolly, Kelley, Kennedy, Killian, Lockett, McNees, Manley, Mitchem, Moore (O), Morris, Pegues, Plaster, Quarles, Shelton, Smith (B), Teague, Trammell, Turnham, Venable, Warren, Weeks and White.

—43

MOTION TO POSTPONE LOST

The question was then on the motion offered by Mr. Morris that the bill, H. 251 as amended, be postponed to the eighteenth legislative day, and the motion was lost.

Yeas 46; Nays 49.

Yeas:

Messrs.: Albright, Baker, Brindley, Campbell, Cates, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Gafford, Glass, Greer, Gregg, Hill, Hines, Holley, Holmes, Kelley, Kennedy, Killian, Lockett, Manley, Mitchem, Moore (O), Moore (W), Morris, Pegues, Plaster, Quarles, Riddick, Roberts, Robertson, Sasser, Shelton, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White and Williams.

—46

Nays:

Mr. Speaker, Andrews, Armstrong, Barron, Biddle, Boles, Callahan, Carothers, Carter, Clark, Cooper, Cross, Dial, Folmar, Ford, Goodwin, Hall, Harris, Harrison, Higginbotham, Hopping, Howard, Jackson (F),

Johnson, Johnstone, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McNair, Malone, Martin, Naramore, Owens, Rich, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague and Whatley.

—49

AMENDMENT OFFERED

Mr. Crowe offered the following amendment No. 1 to the bill, H. 251 as amended:

Amend H. B. 251, Section 1, Page 3, Line 18, by striking therefrom the word and figures "July 2, 1974" and substituting in lieu thereof the words, "the effective date of this Act."

AMENDMENT TABLED

On motion of Mr. Owens, the amendment No. 1 offered by Mr. Crowe to the bill, H. 251 as amended, was tabled.

Yeas 59; Nays 16.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Burgess, Callahan, Carothers, Carter, Clark, Coburn, Cooper, Cross, Dial, Drake, Folmar, Ford, Goodwin, Gregg, Hall, Harris, Harrison, Higginbotham, Holley, Howard, Jackson (F), Johnson, Johnstone, Kelley, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McNair, McNees, Malone, Martin, Mitchem, Naramore, Owens, Porter, Rich, Riddick, Roberts, Sandusky, Smith (C), Smith (M), Sonnier, Sparks, Taylor, Teague, Venable, Whatley, Williams and Wyatt.

—59

Nays:

Messrs.: Crowe, Gafford, Greer, Hill, Holmes, Hopping, McCluskey, Moore (O), Robertson, Sasser, Shelton, Smith (J), Trammell, Turnham, Warren and Weeks.

—16

RESOLUTION

The following resolution was introduced:

By Mr. Robertson:

H. J. R. 137. CREATING AN INTERIM COMMITTEE TO CONDUCT A STUDY OF THE MERIT SYSTEM.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to make an in depth study of the merit system of this state. Such committee shall be composed of four members of the House to be appointed by the Speaker of the House and three members of the Senate, to be appointed by the President of the Senate. The director of the Department of Finance and the executive director of the Alabama State Employees Association or their designated agents shall be ex officio members of the committee. The committee shall meet as soon as practicable after their appointment and select a chairman from among its members. It shall meet at such subsequent time or times upon the call of the chairman.

It shall be the duty of the committee to conduct an in depth study of the operation of this state's merit system including, but not limited to, the problems of state employees and their compensation.

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Members of the committee shall receive no compensation for their services but legislative members shall be entitled to their regular legislative pay and expenses on any day they meet when the legislature is not in session. All such pay and expenses of the committee shall be paid out of any funds appropriated to the use of the legislature.

The committee shall report its findings, conclusions and recommendations to the legislature at any time not later than the fifth legislative day of the next regular session, whereupon the committee shall be dissolved.

The resolution, H. J. R. 137, was read and referred to the Standing Committee on Rules.

MOTION TO ADJOURN

Mr. White offered the motion that the House adjourn until 12:00 o'clock noon, Tuesday, July 15, 1975.

SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. Manley that the House adjourn until 2:00 o'clock p. m., Tuesday, July 15, 1975, was lost.

Yeas 35; Nays 65.

Yeas:

Messrs.: Baker, Burgess, Carter, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Goodwin, Hilliard, Holley, Hopping, Kelley, Kennedy, Lewis, McNeese, Manley, Merrill, Moore (W), Morris, Porter, Quarles, Reed, Roberts, Robertson, Sasser, Shelton, Teague, Tucker, Turnham, Waggoner, Weeks, White and Williams.

—35

Nays:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Clark, Cooper, Cross, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Holmes, Howard, Jackson (F), Johnson, Johnstone, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Martin, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Rich, Riddick, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Warren, Whatley and Wyatt.

—65

MOTION TO ADJOURN LOST

The question was then on the motion offered by Mr. White that the House adjourn until 12:00 o'clock noon, Tuesday, July 15, 1975, and the motion was lost.

Yeas 29; Nays 68.

Yeas:

Messrs.: Burgess, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Hilliard, Holley, Hopping, Jolly, Kelley, Lewis, Manley, Merrill, Moore (W), Morris, Porter, Quarles, Reed, Robertson, Sasser, Shelton, Smith (J), Teague, Turnham, Waggoner and White.

—29

Nays:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Cooper, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Howard, Jackson (F), Johnson, Johnstone, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Martin, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Warren, Weeks, Whatley and Wyatt.

—68

MOTION TO POSTPONE

Mr. White offered the motion that the bill, H. 251 as amended, be postponed to the sixteenth legislative day.

SUBSTITUTE MOTION TABLED

On motion of Mr. Owens, the substitute motion offered by Mr. Killian that the bill, H. 251 as amended, be postponed to the fifteenth legislative day, was tabled.

Yeas 51; Nays 37.

Yeas:

Mr. Speaker, Armstrong, Barron, Biddle, Burgess, Carothers, Carter, Clark, Cooper, Cross, Drake, Ford, Goodwin, Hall, Harris, Harrison, Higginbotham, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McNair, McNees, Malone, Martin, Morris, Naramore, Owens, Porter, Quarles, Rich, Robertson, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Taylor, Whatley, Williams and Wyatt.

—51

Nays:

Messrs.: Baker, Callahan, Campbell, Cates, Coburn, Crawford, Crowe, Dial, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Hill, Hines, Kelley, Kennedy, Killian, McCluskey, Manley, Mitchem, Moore (O), Pegues, Riddick, Roberts, Sasser, Shelton, Smith (J), Starkey, Teague, Trammell, Turnham, Waggoner, Warren, Weeks and White.

—37

MOTION TO POSTPONE TABLED

On motion of Mr. Owens, the motion offered by Mr. White that the bill, H. 251 as amended, be postponed to the sixteenth legislative day, was tabled.

Yeas 48; Nays 38.

Yeas:

Mr. Speaker, Armstrong, Barron, Burgess, Carothers, Carter, Clark, Cooper, Cross, Drake, Ford, Goodwin, Hall, Harrison, Higginbotham, Holley, Hopping, Howard, Jackson (F), Johnson, Johnstone, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McNair, McNees, Malone, Manley, Martin, Naramore, Owens, Porter, Rich, Riddick, Robertson, Sandusky, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Taylor, Whatley and Wyatt.

—48

Nays:

Messrs.: Albright, Baker, Campbell, Cates, Coburn, Crowe, Dial, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Hill, Hines, Holmes, Kelley, Kennedy, Killian, McCluskey, Mitchem, Moore (O), Morris, Pegues, Quarles, Roberts, Sasser, Shelton, Smith (J), Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks and White.

—38

AMENDMENT OFFERED

Mr. Crowe offered the following amendment No. 2 to the bill, H. 251 as amended:

Amend H. B. 251, Section 2, Page 5, Line 19, by striking therefrom the words and figures "July 2, 1974" and substituting in lieu thereof the words, "the effective date of this Act."

AMENDMENT TABLED

On motion of Mr. Owens, the amendment No. 2 offered by Mr. Crowe to the bill, H. 251 as amended, was tabled.

Yeas 55; Nays 24.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Carothers, Carter, Clark, Cooper, Crawford, Cross, Dial, Drake, Folmar, Ford, Goodwin, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Hopping, Howard, Jackson (F), Johnson, Johnstone, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Martin, Narmore, Owens, Porter, Rich, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Smith (M), Sparks, Taylor, Teague, Whatley and Williams.

—55

Nays:

Messrs.: Campbell, Coburn, Crowe, Edwards, Gafford, Glass, Greer, Hill, Holmes, Kennedy, Mitchem, Moore (O), Moore (W), Morris, Quarles, Robertson, Sasser, Shelton, Smith (J), Sonnier, Trammell, Turnham, Warren and Weeks.

—24

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Crowe removed as co-sponsor to the bill, H. 251.

AMENDMENT OFFERED

Mr. Lutz offered the following amendment to the bill, H. 251 as amended:

Amend H. B. 251 by striking the words and figures "twenty-one (21)" on line 32 in Section 1 and substituting in lieu thereof the words and figures "nineteen (19)"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Burgess, Campbell, Carothers, Carter, Clark, Coburn, Cooper,

Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, McNair, McNeas, Malone, Martin, Mitchem, Moore (O), Naramore, Owens, Pegues, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Turnham, Warren, Weeks, Whatley and Williams.

—78

Nays: Messrs. McCluskey and Starkey.

—2

AMENDMENT OFFERED

Mr. Turnham offered the following amendment to the bill, H. 251 as amended:

Amend Section 1 of H. 251 by adding in subsection (9) on page 3, line 11, after the word "employee" and before the word "of" the following: "of an insurance company which lends money other than through loans secured by real property mortgages to any person, firm or corporation located in Alabama or"

Amend Section 1 of H. 251 by adding in subsection (10) on page 3, line 24, after the word "employee" and before the word "of" the following: "of an insurance company which lends money other than through loans secured by real property mortgages to any person, firm or corporation located in Alabama or"

Amend Section 2 of H. 251 by adding in subsection (8) on page 5, line 12, after the word "employee" and before the word "of" the following: "of an insurance company which lends money other than through loans secured by real property mortgages to any person, firm or corporation located in Alabama or"

Amend Section 2 of H. 251 by adding in subsection (9) on page 5, line 24, after the word "employee" and before the word "of" the following: "of an insurance company which lends money other than through loans secured by real property mortgages to any person, firm or corporation located in Alabama or"

AMENDMENT TABLED

On motion of Mr. Owens, the amendment offered by Mr. Turnham to the bill, H. 251 as amended, was tabled.

Yeas 51; Nays 26.

Yeas:

Mr. Speaker, Albright, Barron, Biddle, Carter, Clark, Coburn, Cooper, Cross, Dial, Falkenburg, Ford, Goodwin, Gregg, Harrison, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McNair, Malone, Martin, Mitchem, Naramore, Owens, Pegues, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (M), Sonnier, Sparks, Taylor and Weeks.

—51

Nays:

Messrs.: Baker, Campbell, Carothers, Crawford, Folmar, Glass, Greer, Hall, Harris, Holley, Holmes, Killian, Lockett, McCulley, McNeas, Manley, Moore (O), Moore (W), Morris, Quarles, Sasser, Shelton, Teague, Turnham, Venable and Warren.

—26

AMENDMENT OFFERED

Mr. Moore (O) offered the following amendment to the bill, H. 251 as amended:

In Section 1, page 3, between lines 33 and 34, insert at the end of the section and as a part of Section 120 of Act No. 407, H. 198 of the 1971 Regular Session, which is amended in said Section 1, the following:

(11) Must not be an agent or employee of an insurance company which lends money to finance the purchase of motor vehicles or household appliances or other installment purchases."

Also in Section 2, page 5, between lines 33 and 34, insert at the end of the section and as a part of Section 158 of Act 407, H. 198 of the 1971 Regular Session, which is amended in said Section 2, the following:

(10) Must not be an agent or employee of an insurance company which lends money to finance the purchase of motor vehicles, household appliances or other installment purchases.

AMENDMENT TABLED

On motion of Mr. Owens, the amendment offered by Mr. Moore (O) to the bill, H. 251 as amended, was tabled.

Yeas 46; Nays 26.

Yeas:

Mr. Speaker, Armstrong, Barron, Biddle, Carter, Clark, Coburn, Cooper, Cross, Dial, Ford, Goodwin, Gregg, Harrison, Higginbotham, Hines, Hopping, Howard, Jackson (F), Johnson, Kinsey, Lee, LeFlore, Leonard, Lewis, McCluskey, McCulley, McNair, Malone, Martin, Naramore, Owens, Pegues, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Taylor, Weeks and Williams.

—46

Nays:

Messrs.: Albright, Andrews, Baker, Boles, Campbell, Carothers, Crawford, Falkenburg, Folmar, Gafford, Glass, Greer, Hill, Holley, Holmes, Johnstone, Kelley, Lockett, Manley, Mitchem, Moore (O), Shelton, Teague, Trammell, Turnham and Warren.

—26

AMENDMENT OFFERED

Mr. Shelton offered the following amendment to the bill, H. 251 as amended:

Amend H. B. 251 as follows: delete subsection 3 of Section 1.

AMENDMENT TABLED

On motion of Mr. Owens, the amendment offered by Mr. Shelton to the bill, H. 251 as amended, was tabled.

Yeas 52; Nays 23.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Carter, Clark, Cooper, Cross, Crowe, Dial, Drake, Falkenburg, Folmar,

Ford, Goodwin, Gregg, Harris, Higginbotham, Holley, Hopping, Howard, Jackson (F), Johnson, Johnstone, Killian, Kinsey, Lee, Lewis, Lutz, McCluskey, McCulley, McNair, Malone, Martin, Mitchem, Naramore, Owens, Porter, Rich, Riddick, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Taylor, Teague and Warren.

—52

Nays:

Messrs.: Burgess, Campbell, Coburn, Crawford, Glass, Greer, Hall, Harrison, Hill, Hines, Holmes, Kennedy, LeFlore, Leonard, Lockett, Manley, Pegues, Roberts, Shelton, Smith (M), Sonnier, Turnham and Weeks.

—23

AMENDMENT OFFERED

Mr. Venable offered the following amendment to the bill, H. 251 as amended:

To amend H. B. 251, page 3, line 28, by deleting the figure 5,000 and inserting in place thereof the figure 10,000.

AMENDMENT TABLED

On motion of Mr. Owens, the amendment offered by Mr. Venable to the bill, H. 251 as amended, was tabled.

Yeas 54; Nays 24.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Burgess, Carothers, Carter, Clark, Cooper, Dial, Drake, Folmar, Ford, Goodwin, Hall, Harris, Harrison, Higginbotham, Hines, Holley, Hopping, Howard, Jackson (F), Johnson, Johnstone, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Martin, Mitchem, Naramore, Owens, Porter, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Sparks, Taylor and Whatley.

—54

Nays:

Messrs.: Boles, Brindley, Campbell, Cross, Crowe, Falkenburg, Gafford, Glass, Greer, Hill, Holmes, Kennedy, Lockett, Manley, Moore (O), Moore (W), Morris, Shelton, Smith (C), Teague, Trammell, Turnham, Venable and Warren.

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ADJOURNMENT

On motion of Mr. Sasser, the House adjourned until 2:15 o'clock p. m., Tuesday, July 15, 1975.

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FOURTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, July 15, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Joseph Parker, Baptist minister, Jackson, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names.

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirteenth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the thirteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirteenth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. McMillan, Little, Torbert, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver and Wilson:

S. J. R. 52. MOURNING THE DEATH OF STEWART HARTFORD.

WHEREAS, On Saturday, July 12, 1975, the life of Stewart Hartford was snuffed out in an automobile accident; and

WHEREAS, Stewart Hartford, at the age of 19, had the potential of becoming one of the truly outstanding statesmen of his generation; as Director of the Auburn University Student Lobby, he participated in the promotion of the 19-year old bill with a dedication, astuteness and grasp of the legislative process which indicated a brilliant future for him in the affairs of government; and

WHEREAS, Stewart excelled in all aspects of human development—he was an outstanding athlete, an outstanding scholar, a leader and a possessor of the most admirable traits of human character; and

WHEREAS, His interest in government reflected that his primary concern was the betterment of the human condition rather than his personal ambition; and

WHEREAS, The loss of the tremendous potential of Stewart Hartford is an immeasurable tragedy to his family, his university, his friends and the entire State of Alabama; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we deeply mourn the senseless and tragic loss of the life of Stewart Hartford, whom we had come to love and respect.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to his mother, Mrs. Phyllis Hartford, of 211 South Gay Street, Auburn, and to the Phi Gamma Delta Fraternity at Auburn University.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Gafford, the House concurred in and adopted the resolution, S. J. R. 52, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Shelby, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Weaver and Wilson:

S. J. R. 50. COMMENDING FORREST DAVID MATHEWS FOR HIS OUTSTANDING SERVICE TO THE UNIVERSITY OF ALABAMA AND CONGRATULATING HIM UPON HIS APPOINTMENT AS SECRETARY OF HEALTH, EDUCATION AND WELFARE.

WHEREAS Forrest David Mathews, a native of Grove Hill, Alabama, has distinguished himself through service to his community, state and nation; and

WHEREAS after attaining his elementary and secondary education in Clark County where both his father and grandfather served as super-

intendent of schools, he went on to earn the Bachelor and Master's Degrees from the University of Alabama and his Doctoral Degree from Columbia University; and

WHEREAS he served as an infantry officer in the United States Army; and

WHEREAS he served his Alma Mater and the State's Capstone of higher education as Interim Dean of Men, Lecturer in History, Executive Assistant to the President, Executive Vice President and President; and

WHEREAS he has distinguished his career through membership in Phi Beta Kappa, Omicron Delta Kappa, Phi Alpha Theta History Honorary, and the Newcomen Society of North America; and

WHEREAS he has been awarded recognition as one of the "Outstanding Young Men of Alabama" by the Alabama Junior Chamber of Commerce in 1968, and one of the "Ten Most Outstanding Young Men in the Nation" by the United States Jaycees in 1969 and elected to the Alabama Academy of Honor in 1973, in the Court of Honor of the Exchange Clubs of Alabama in 1975; and

WHEREAS his work with the Southern Regional Education Board, the Commission on the Future of the South of the Southern Growth Politics Board, the American Revolution Bicentennial Commission, the State Oil and Gas Board, the Academy for Educational Development, and numerous other organizations has led to a brighter future for the South and the Nation; and

WHEREAS as President of the University of Alabama, David Mathews enriched not only the quality of education in our State but also the tradition which characterizes Alabama's oldest public institution of higher education; and

WHEREAS the nomination of Forrest David Mathews as Secretary of Health, Education and Welfare brings pride to all Alabamians and honor to the South; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That our admiration and appreciation be extended Dr. David Mathews and his family along with our best wishes in the arduous task which he faces in the service of our country.

BE IT FURTHER RESOLVED, That copies of the resolution be sent to Forrest David Mathews; his parents, Mr. and Mrs. F. L. Mathews and the Board of Trustees of the University of Alabama.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 50, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Wilson:

S. J. R. 49. URGING THE NATIONAL BOAT LAW ADMINISTRATOR'S ASSOCIATION TO STUDY THE POSSIBILITY OF PROTECTIVE COVERS FOR BOAT PROPELLERS.

WHEREAS the public's outdoor recreational activities continue to expand at an ever-increasing rate throughout the nation; and

WHEREAS Alabama has 155,000 pleasure boats registered; and

WHEREAS boating accident statistics reveal there have been many serious and sometimes fatal injuries caused by boaters coming in contact with propellers; and

WHEREAS skiers and persons falling from boats are most vulnerable to an out of control motor boat; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the National Boat Law Administrator's Association, to whom a copy of this resolution shall be sent, is hereby called upon to address itself to the feasibility of requiring a protective guard over propellers.

RESOLVED FURTHER, That this Association take whatever steps are necessary to alleviate this hazardous condition for all recreational boats in the nation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 49, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Baker:

S. J. R. 26. BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That Act 25, S. J. R. 13, Third Special Session, 1975, is hereby repealed.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 26, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House for its consideration:

H. J. R. 40. CREATING THE LONG-RANGE HIGHWAY DEVELOPMENT STUDY COMMITTEE.

McDOWELL LEE,
Secretary.

Substitute for

H. J. R. 40. CREATING THE LONG-RANGE HIGHWAY DEVELOPMENT STUDY COMMITTEE.

WHEREAS the Governor of the State of Alabama in recognition of the fact that a long-range program of highway development in Alabama is vital to industrial and agricultural growth and to the future of well-being of the people of Alabama; and

WHEREAS the Governor desires that this highway system be adequate to meet the expanding needs of Alabama citizens, and the cost of highway construction, maintenance and administration to support such an adequate highway system be derived from a soundness of scope, efficient performance, and fiscal responsibility in both policy and planning; and

WHEREAS the State Highway Department, working under authorization of the Governor and, in concert with the Alabama Citizens for Transportation (ACT)—a voluntary state-wide citizens group—and research teams from Auburn University's School of Engineering and University of Alabama's School of Business and Commerce have, during the past 18 months spent more than 6,000 man-hours in a study of Alabama's long-range highway needs as related to—(1) commuter benefits (direct savings to Alabama's working men and women and traveling to job from home and return), (2) industrial growth, (3) recreation, (4) tourism, (5) safety and (6) ecology; and

WHEREAS findings from such study having been forwarded to Governor George C. Wallace recommending the enactment of a long-range highway plan based on the aforementioned criteria which will establish continuity to highway construction, thereby enabling the Alabama State Highway Department to operate at maximum efficiency, thus saving Alabama taxpayers millions of dollars; and

WHEREAS the enactment of a long-range highway program will indicate to Alabama taxpayers exactly what their dollars are buying, and therefore, enhance public confidence in a responsible and tangible expenditure of public funds; and

WHEREAS the aforementioned study is the most detailed and comprehensive evaluation of Alabama's future highway ever undertaken and this evaluation and its subsequent implementation will be of immeasurable benefit to all Alabamians and encourage the judicious expenditure of taxpayer's dollars for a highway system that will meet Alabama's needs for the next twenty years; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a Legislative Study Committee which shall be composed of fourteen members, seven each to be appointed by the Speaker of the House and the President of the Senate from each of the seven congressional districts, and who shall choose their chairman and vice-chairman at their first meeting, shall be formed to examine all aspects of the aforementioned study and work in close concert with the Alabama Highway Department, the leaders of Alabama Citizens for Transportation (ACT) and other interested Alabamians. The committee shall hold public hearings if deemed appropriate and shall make diligent inquiry and a full examination of Alabama's long-term

future highway needs and they shall file their reports of their findings and recommendations to the Alabama Legislature not later than the 24th legislative day of the 1975 Regular Session.

Upon the request of the chairman the secretary of the Senate and the clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee when the Legislature is not in session or when the Legislature is in recess without pay. Such sums shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

SENATE MESSAGE

The resolution, H. J. R. 40 as amended by the Senate substitute set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 76. Commending the City of Bridgeport upon being named a Bicentennial Community.

Also:

H. J. R. 77. Congratulating Mrs. Audrey P. Clements upon retirement.

Also:

H. J. R. 83. Mourning the death of Marcius Bruce Lee.

Also:

H. J. R. 86. Congratulating Forest Latta upon being elected Governor of Boys State.

Also:

H. J. R. 88. Commending the members of the Madison County Elected Officials Salary Commission.

Also:

H. J. R. 89. To designate a portion of U. S. 278 in Cullman County as the Ave Maria Grotto Boulevard.

Also:

H. J. R. 91. Congratulating Mrs. Lloyd I. Mehaffey on being named Volunteer of the Year by the Ladies Auxiliary to Alabama Goodwill Industries.

Also:

H. J. R. 92. Mourning the death of Howard Ellington.

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Also:

H. J. R. 93. Honoring Mr. Ben Starr on the dedication of the Southern Dixie Youth League Baseball Field behind Seth Johnson school on Narrow Lane Road in Montgomery, Alabama, as the "Ben Starr Athletic Field".

Also:

H. J. R. 97. Commending the voters of the state for approving the annual sessions amendment.

Also:

H. J. R. 99. Wishing a speedy recovery to Alabama's congressmen and their wives.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Waldrop:

S. J. R. 41. Commending the Lady Volunteers at John Jones Elementary School, Rainbow City, for their work on the Safety Patrol.

Also:

By Mr. Waldrop:

S. J. R. 43. Commending Dr. Reddoch E. Williams.

Also:

By Mr. Waldrop:

S. J. R. 44. Commending Florala Memorial Hospital.

Also:

By Mr. Waldrop:

S. J. R. 45. Commending Mr. Neal Hart.

Also:

By Mr. Waldrop:

S. J. R. 46. Commending Miss Jacquelyn Massey.

Also:

By Mr. Waldrop:

S. J. R. 47. Congratulating George Chestnut.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolutions, S. J. R. 41, S. J. R. 43, S. J. R. 44, S. J. R. 45, S. J. R. 46 and S. J. R. 47, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment.

By Messrs. McDonald (S), Torbert and Bank:

S. 86. To amend Title 52, Section 41, as amended, Code of Alabama 1940, which relates to the appointment, term, qualifications and salary of the State Superintendent of Education so as to raise the top annual salary that can be paid to the State Superintendent of Education and provides that the State Board of Education may enter into a contract with the State Superintendent of Education for his services for a period not to exceed four years.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 86. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Pearson and McMillan:

S. 308. To designate the Largemouth Bass as the official fresh water fish of Alabama.

Also:

By Messrs. Pearson and Clemon:

S. 304. To amend Title 8, Section 93 (3), Code of Alabama 1940, as amended, so as to remove the prohibition against using salt licks for the purpose of capturing or killing birds or animals in the State of Alabama; to legalize the use of scaffolds for the killing of deer.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 308. Conservation.

S. 304. Conservation.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

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By Mr. Pearson:

S. 307. To make unlawful the selling of certain game fish caught or taken from any of the fresh waters of this or any other state, providing certain exceptions and prescribing the penalty for violations.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 307. Conservation.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted favorably on the following resolutions and ordered same returned to the House:

H. R. 134. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That the House continue to meet on Tuesday and Thursday because the work of the committees, public hearings and research and study of bills makes it convenient that the House continue to meet on these days.

On motion of Mr. Manley, the resolution, H. R. 134, was adopted.

Also:

H. J. R. 123. Selecting Representative Nat Sonnier of Mobile to be the legislative member representing Alabama to the Gulf States Marine Fisheries Commission.

On motion of Mr. Callahan, the resolution, H. J. R. 123, was adopted.

Also:

H. J. R. 132. Requiring the building commission to place friction tread on the capitol steps.

On motion of Mr. Manley, the resolution, H. J. R. 132, was adopted.

Also:

H. J. R. 90. Naming the new bridge crossing the Sofkahatchee Creek on U. S. 231 in Elmore County the "Ernest S. Collier Bridge."

On motion of Mr. Venable, the resolution, H. J. R. 90, was adopted.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Turnham, Higginbotham, McNees, McNair, Cooper, Falkenburg, Plaster, Sandusky, Andrews, Biddle, McCorquodale, Campbell, Pegues and Lockett as co-sponsors to the resolution, H. J. R. 90.

BILLS ON SECOND READING

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and

they were severally read a second time and placed on the Calendar, to-wit:

H. 668. Relating to cancellation of employment contracts of full-time, non-certified employees under the supervision and control of the State Board of Education or the city or county boards of education.

H. 842. To provide for and authorize all state universities and colleges, to participate with any private institution of higher learning located in the State of Alabama, in a consortium product contract as a source of purchasing.

H. 1004. To amend Title 52, Section 100, Code of Alabama, 1940, to change the name of local School Trustees to that of Local School Advisory Committee and to repeal Title 52, Sections 138, 139, 140, 141, 143, 144, 145, 146 and 147 and to further provide for the selection of Local School Advisory Committees and specify their powers.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1041. To provide that law enforcement officers employed by the Department of Conservation and Natural Resources may retain their badges, pistols and certain other equipment upon retirement.

H. 463. To amend Sections 10 and 15 of Act No. 784, H. 316, Regular Session 1953 (Acts 1953, p. 1069) regulating the use of commercial fishing gear in the public fresh waters of this state so as to increase the penalties for the violation of this act.

H. 464. To provide penalties for any sport fisherman exceeding any creel limits or possession limits on game fish.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 553. (With Amendment): To amend Section 5 of Act No. 266, Acts of Alabama, 1961 Special Session, p. 2282, so as to provide what shall constitute prima facie evidence of spear fishing.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 569. To amend Section 110 (7) of Title 8, Code of Alabama 1940, as amended, pertaining to wildlife management areas, so as to require impoundment of dogs only on those management areas having a building or enclosure suitable for impoundment.

H. 1102. To provide for the conservation, management, enhancement and protection of marine mammals; to provide enforcement authority and penalties for violation of this Act.

H. 1103. To amend Title 8, Section 91, Code of Alabama 1940, as amended, pertaining to licenses required to capture and kill fur-bearing animals, so as to eliminate the exemption from the license-purchase re-

quirements previously granted anyone trapping beaver only; to reduce the residency period from six (6) months to ninety (90) days and to provide an exemption where beavers are a nuisance.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1096. Relating to all counties having a population not less than 16,000 nor more than 16,250 according to the latest federal decennial census; providing that the county commission of all such counties may appropriate and pay monies to that county's school for exceptional children.

H. 1127. To authorize the county commission or other like governing body of Geneva County to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

H. 1149. Relating to Geneva County; to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners.

H. 1152. To amend Act No. 707, H. 1354, 1973 Regular Session, (Acts 1973, p. 1058) entitled "An Act To authorize the governing body of Cullman County to provide for all help and equipment in the offices of the several officers in that county" to include all employees of the sheriff's department and intermediate court except the clerk of said court.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1116. (With Amendment): To create the positions of and establish a salary range for the positions of stenographic secretary for each of the judges of the 26th judicial circuit.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Sasser, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 138. COMMENDING DR. DAVID MATHEWS.

WHEREAS Dr. David Mathews, president of the University of Alabama, has recently been appointed as U. S. Secretary of Health, Education and Welfare; and

WHEREAS Dr. Mathews has served the University well. The University has become a model for the Deep South due to his efforts; and

WHEREAS Dr. Mathews exemplifies those qualities of leadership and dedication which make him an asset and a source of pride to the State of Alabama; and

WHEREAS this legislature would like to pay tribute to this great, but humble man who has made outstanding contributions to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend and congratulate Dr. David Mathews and wish him success in his new position.

RESOLVED FURTHER, That a copy of this resolution be sent to Dr. Mathews.

On motion of Mr. Sasser, the rules were suspended and the resolution, H. J. R. 138, was adopted.

Also:

By Mr. Andrews:

H. J. R. 139. CREATING A JOINT CONTINUING COMMITTEE TO STUDY REAL ESTATE LICENSING LAWS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That five members of the House and five members of the Senate, appointed by the presiding officer of the respective houses be appointed to constitute a Joint Continuing Committee to study real estate licensing laws. The chairman of the committee shall be appointed by the Speaker of the House and the vice-chairman shall be appointed by the Lieutenant Governor.

The committee shall meet upon call of the chairman and shall report its recommendations to the legislature from time to time.

Each member of the committee shall be entitled to his regular legislative compensation, per diem and travel expenses for each day he attends a meeting of the committee. Such amount shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller on requisitions signed by the committee chairman.

The resolution, H. J. R. 139, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Messrs. Torbert, Shelby, Stewart, Vacca, Powell, Mims, Ellis, Adams, Pearson, Foshee, Givhan, Littleton, Bank, Flipppo, Jones, Mitchell,

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Clemon, Waldrop, Gilmore, McDonald (S), Weaver, Wilson, Baker and King:

S. 127. To establish as educational policy of the State of Alabama a procedure whereby school boards and their professionally certificated employees shall meet and confer for the purpose of cooperatively developing personnel policies such as but not limited to leave, hours of employment, promotion, transfers, salaries, and benefits, and other items commonly defined as personnel policy.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 127. Education.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Vacca, Ellis, Clemon and McMillan:

S. 102. To amend Section 1 of Act No. 1515, H. 37, 1971 Regular Session [Acts of 1971, p. 2629; now appearing in Code of Alabama, Recompiled 1958, Title 8, Section 30 (1)], entitled "To provide for the cost of and establish the procedure for obtaining an annual resident state hunting license"; so as to provide for the issuance of a permanent life-time hunting license for all residents over 65 years of age at no cost and upon the payment of nominal issuance fee; repealing Act No. 546, S. 437, 1965 Regular Session [Acts of 1965, p. 796; now appearing in Code of Alabama, Recompiled 1958, Title 8, Section 31 (1)].

Also:

By Mr. Stewart:

S. 124. To amend Section 1 of Act 208, S. 34 Special Session 1966, [Acts 1966, p. 256, now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 378 (2)], as amended, entitled: "An Act to authorize, regulate and provide for the payment by the State of Alabama of compensation to the surviving dependents of certain peace or law enforcement officers and certain firemen who are killed or whose death results from an injury received in the course of his employment and while he is engaged in the performance of his duties; to designate the state board of adjustment as the state agency or awarding authority to hear, determine and order the payment of claims for compensation hereunder; to make an appropriation for payment of awards," so as to redefine the term "peace officer" to include law enforcement officers of the Department of Conservation and Natural Resources.

Also:

By Messrs. Pearson and McMillan:

S. 305. To amend Section 106 of Title 8, Code of Alabama 1940, as amended, pertaining to the penalty for killing domestic animals while hunting.

Also:

By Messrs. Pearson and McMillan:

S. 306. To amend Section 5 of Act No. 266, Acts of Alabama, 1961 Special Session, p. 2282, so as to provide what shall constitute prima facie evidence of spear fishing.

Also:

By Mr. Perloff:

S. 476. To alter, rearrange and add to the limits of the City of Chickasaw in Mobile County, Alabama, and to alter and rearrange the limits of the City of Mobile in Mobile County, Alabama, by removing certain areas from the limits of the City of Mobile and adding same to the limits of the City of Chickasaw, and to describe the area so removed from the City of Mobile and so added to the City of Chickasaw.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that a Bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To alter, rearrange and add to the limits of the City of Chickasaw in Mobile County, Alabama, and to alter and rearrange the limits of the City of Mobile in Mobile County, Alabama, by removing certain areas from the limits of the City of Mobile and adding same to the limits of the City of Chickasaw, and to describe the area so removed from the City of Mobile and so added to the City of Chickasaw.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Chickasaw in Mobile County, Alabama are altered, rearranged and extended to include within the corporate limits of said City the parcels of land hereinafter described, and the boundaries of the City of Mobile in Mobile County, Alabama are altered and rearranged to exclude from the corporate limits of said city the said parcels described as follows:

PARCEL 1

Beginning at the point of intersection of the south line of the City Limits of Chickasaw with the east boundary line of Craft Highway, run southwardly along the east boundary line of Craft Highway 1091 feet, more or less, to the intersection of said boundary line with the north boundary line of Callahan Drive; thence run in an easterly direction along said boundary line of Callahan Drive 865 feet, more or less, to a point being the southwest corner of the property of Lerio Corporation; thence run north 0° 16' 15" east along the west property line of Lerio Corporation 616 feet, more or less, to a point being the northwest corner of the property of Lerio Corporation; thence run north 75° 23' 15" east 365 feet, more or less, along the north property

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line of said corporation to a point being the intersection of an extension of said property line with the east line of Telegraph Road; thence run northerly along the east boundary line of Telegraph Road 506 feet, more or less, to the north line of a 50-foot railroad right-of-way, which is the south line of the existing Chickasaw City Limits; thence run westwardly along the north line of said 50-foot railroad right-of-way for 40 feet, more or less, to a point on the center line of Telegraph Road; thence turn right 75° 36' and run along said center line for a distance of 292.88 feet to a point; thence turn left 89° 15' and run westwardly along the line between Gaylords (formerly Arkell and Smith's) and Ray Brooks for a distance of 243.57 feet to a point on the east line of a 50-foot railroad spur right-of-way; thence run southwardly 140.08 feet along said east right-of-way line which lies on an arc of a curve to the left, having a radius of 294 feet, said arc being subtended by a chord of 138.76 feet which forms a deflection angle of 103° 39' with the last described line; thence turn right 76° 30' from an extension of said chord and run southwestwardly 50 feet to a point; thence turn left 62° 51' and run southwardly 189.10 feet to a point on the north boundary of Twelfth Avenue Extension; thence run easterly along said north boundary of Twelfth Avenue Extension a distance of 230.89 feet to a point on the west right-of-way line of Telegraph Road; thence run southeastwardly along said west boundary line a distance of 61.84 feet to a point on the south boundary of Twelfth Avenue; thence run westwardly along said south boundary line of Twelfth Avenue a distance of 948 feet to a point on the east boundary of Craft Highway, which is the Point of Beginning.

PARCEL 2

Beginning at the point of intersection of the north and east lines of Section 21, 13S, R1W, in Mobile County, Alabama, run west along the north line of Section 21 to a point which is the intersection of the west line of U. S. Highway 43 and the north line of Section 21; thence run northwardly along the west line of U. S. Highway 43 to a point which is the intersection of the west line of U. S. Highway 43 and the south bank of Chickasaw Creek; thence run easterly along the south bank of said Chickasaw Creek a distance of 210 feet, more or less, to its junction with the east right-of-way line of U. S. Highway 43; thence continue easterly along the south bank of Chickasaw Creek for 75 feet, more or less, to the west line of the Alabama, Tennessee and Northern Railroad; thence run southerly along the west line of the Alabama, Tennessee and Northern Railroad for 3100 feet, more or less, to a point on the east line of said Section 21, thence run northerly along the east line of said Section 21 for 1800 feet, more or less to the point of beginning.

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Joyce Butt being sworn, says that she is bookkeeper of the Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama; and the attached notice appeared in the issue of The Mobile Press, The Mobile Register Mar. 12, 19, 26, Apr. 2, 1975.

JOYCE BUTT.

Sworn to and subscribed before me this 7 day of April 1975.

E. E. KOCH,
Notary Public.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 102. Conservation.
- S. 124. State Administration.
- S. 305. Conservation.
- S. 306. Conservation.
- S. 476. Local Legislation No. 3.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Sasser and Williams (With Notice and Proof):

H. 1158. Relating to Dale County; providing additional compensation for the official court reporter of the Thirty-third Judicial Circuit, payable by the county.

Local Legislation No. 1.

Notice and Proof H. 1158:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF DALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Dale County; providing additional compensation for the official court reporter of the Thirty-third Judicial Court, payable by the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other compensation provided by law, the official court reporter of the Thirty-third Judicial Circuit of Alabama shall be entitled to additional compensation payable by Dale County in the amount of two hundred dollars per month. Such additional compensation shall be paid to the court reporter at the end of each month from the general funds of Dale County.

Section 2. This Act is cumulative.

Section 3. This Act shall take effect on the first of the month next following the date of its enactment.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joseph H. Adams, who, being by me first duly sworn, deposes and says that during the times herein

mentioned he was Editor-Publisher of the The Southern Star, a newspaper of general circulation published in Dale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 4, 11, 18, and 25, all in the year 1975.

JOSEPH H. ADAMS.

Sworn to and subscribed before me 11 July, 1975.

IRENE MATHIS,
Notary.

By Mr. Smith (J) (With Notice and Proof):

H. 1159. To alter or rearrange the boundary lines of the City of Geneva, Geneva County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Geneva County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 1159:

LEGAL NOTICE

STATE OF ALABAMA GENEVA COUNTY

Notice is hereby given pursuant to Section 106 of the Constitution of Alabama 1901 that application will be made to the Legislature of Alabama for the enactment of a local law, the substance of which is as follows:

A BILL TO BE ENTITLED AN ACT

To alter or rearrange the boundary lines of the City of Geneva, Geneva County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Geneva County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Geneva, Geneva County, Alabama be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Geneva and in addition hereto the following described territory all in Geneva County, Alabama, to-wit:

1. The Southwest $\frac{1}{4}$ of Section 31, Township 1 North, Range 22 East; containing 160 acres, more or less.

2. The Southeast $\frac{1}{4}$ of Section 36, the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 36 and the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 36, Township 1 North, Range 21 East; containing 280 acres, more or less.

3. The West $\frac{1}{2}$ of Lot No. 1, Fractional Section 20, Township 7 North, Range 16 West; containing 73 acres more or less.

4. Lot No. 1, Fractional Section 19, Township 7 North, Range 16 West; containing 138 acres more or less.

5. Lot No. 1, Fractional Section 24, Township 7 North, Range 17 West; containing 100 acres more or less and

6. A parcel of land beginning at a point on the North right of way line of Alabama State Highway No. 52 at the Southwest Corner of the property of Dr. R. V. Boone and running thence N 30 degrees 47' W along the Southwest side of the said Boone property and along an extension thereof, 372 feet; thence running S87 degrees 53' W 948.09 feet; thence running S 19 degrees 46' E 449.33 feet to the North right of way line of said Alabama State Highway No. 52; thence running Easterly along the North right of way line of said Alabama State Highway No. 52, 1013 feet more or less to the point of beginning; and being a part of Fraction F, a part of Fraction G, a part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and a part of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ all of Section 21, Township 1 North, Range 22 East; containing 9.44 acres more or less.

Section 2. All pasture and farm land embraced within the boundaries of the City of Geneva, as set out in Section one above, but which was not a part of the City of Geneva prior to the passage of this Act fixing the above said boundaries; shall not be subject to assesment for ad valorem taxation by the City of Geneva, Alabama.

Section 3. Any area which is located within the boundaries of the City of Geneva, as set out in Section one above, but which are not part of the City of Geneva prior to the passage of this Act fixing the above said boundaries, shall not be subject to assessment for ad valorem taxation by the City of Geneva, until the City of Geneva, through itself, or through any board whose members are appointed by the City of Geneva, shall make available to said area and the residents thereof the following municipal services: police protection, fire protection, street lighting and water service.

Section 4. The City Council of the City of Geneva, each year when it adopts an ordinance assessing real property within the City of Geneva for ad valorem taxation shall describe in said ordinance the area which has previously been subject to the City's ad valorem taxation, and shall describe in addition thereto such other within the boundaries as set out in Section one above in which the City of Geneva has made available all of the above required services during the year for which said ad valorem tax is being levied; and said ordinance shall also describe the areas within the City of Geneva where all of said services have not been made available and shall exempt such areas from City ad valorem taxation for said year.

Section 5. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 6. Should any section, provision or part of this Act be declared unconstitutional or void by any Court of competent jurisdiction, it shall not affect the validity of the remaining sections, provisions or parts of this Act.

Section 7. This Act shall become effective immediately upon its passage, or approval by the Governor or upon its otherwise becoming a law.

CERTIFICATE OF PUBLICATION

STATE OF ALABAMA
GENEVA COUNTY

I, Orsen B. Spivey, Publisher of the Geneva County Reaper, a weekly newspaper published in Geneva, Geneva County, Ala.* do here-

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by certify that the advertisement attached hereto has been published in said newspaper for a period of four consecutive weeks, commencing June 5, 1975, and ending June 26, 1975.

Witness my hand this 26 day of June, 1975.

ORSEN B. SPIVEY.

Sworn to and subscribed before me this 26 day of June, 1975.

O. T. SPIVEY,
Notary Public.

By Messrs. Callahan and Sonnier:

H. 1160. To amend the title and further amend Sections 1, 3, 4 and 5 of Act No. 755, 1967 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), as amended, entitled "To provide Supernumerary Tax Collectors, Tax Assessors, License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in the various counties of the State of Alabama; describing their duties; setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and providing for the payment of their salaries," so as to provide further for the requirements, qualifications and compensation for such Supernumerary Tax Collectors, Tax Assessors and License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in this state, in the various counties of the State of Alabama having a population of less than 600,000 inhabitants.

Ways and Means.

By Messrs. Callahan and Sonnier:

H. 1161. To fix the compensation or salary and allowance of the Register of the Circuit Court in all counties having a population of not less than 300,000 nor more than 500,000, according to the last or any subsequent Federal decennial census, and to provide for the payment thereof.

Local Legislation No. 3.

By Messrs. Callahan and Sonnier:

H. 1162. To further amend Act 544, S. 602, P. 1294, Acts of Alabama of 1967, as amended, to provide for an increase in funds from the General Fund in all counties having a population of not less than 300,000 inhabitants and not more than 500,000 inhabitants according to the last or any succeeding federal census, for a County Health Department, including the acquisition of land, the erection, construction, extension, renewal, and repair of any buildings and improvements thereon and the maintenance and operation of such department; to anticipate such funds by temporary loan certificates, and to repeal all laws or parts of laws in conflict herewith.

Local Legislation No. 3.

By Messrs. Callahan and Sonnier:

H. 1163. To allow and authorize the governing body of each incorporated municipality within each county having populations of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census to enact, charge and collect fees for any services rendered and performed by officers, employees or agents of the Board of Health of such county within the corporate boundaries and police jurisdictions of such incorporated municipalities to which this Act shall apply, excluding, however, services rendered in connection with vital statistics.

Local Legislation No. 3.

By Messrs. Callahan and Sonnier:

H. 1164. To further amend Act 751, S. 599, P. 1606, Acts of Alabama of 1967, as amended, to provide for an increase in funds from the general funds of the several incorporated municipalities in all counties having a population of not less than 300,000 inhabitants and not more than 500,000 inhabitants according to the last or any succeeding federal census for a county health department, including the acquisition of land, the erection, construction, extension, renewal and repair of any buildings and improvements thereon and the maintenance and operation of such department; to anticipate such funds by temporary loan certificates and to repeal all laws or parts of laws in conflict herewith.

Local Legislation No. 3.

By Messrs. Callahan and Sonnier:

H. 1165. To allow and authorize the governing body of each county having populations of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census to enact, charge and collect fees for any services rendered and performed by officers, employees or agents of the Board of Health of such county within the boundaries of such county and outside of the police jurisdictions of incorporated municipalities within such counties to which this Act shall apply, excluding, however, services rendered in connection with vital statistics.

Local Legislation No. 3.

By Messrs. Harris and Barron:

H. 1166. To amend Code of Alabama 1940, Title 15, Section 222, which provides a twelve month limitation for prosecutions of all misdemeanors before the circuit or county court, in order to extend said limitation to recorders court and any other court having misdemeanor jurisdiction; and to repeal Code of Alabama 1940, Title 15, Section 223, which section relates to prosecutions for misdemeanors before a justice of the peace.

Judiciary.

By Messrs. Cross, Roberts, Starkey, Carter, Killian, Martin, Moore (W), Smith (B), Gregg, Brindley, Smith (M), Sasser, Weeks, Goodwin, Riddick, Crowe and Smith (J):

H. 1167. To prohibit net fishing in any waters of this state in which salt water striped bass have been stocked, and to prescribe the penalty for violation of the provisions of this Act.

Conservation.

By Mr. McNees:

H. 1168. To amend Act No. 763, H. 286, 1973 Regular Session (Acts 1973, p. 1145), which provides a subsistence allowance to law enforcement officers while on duty so as also to provide such allowance to police communications officers and radio operators while engaged in duties relative to law enforcement.

Ways and Means.

By Messrs. Greer, Smith (B) and Starkey:

H. 1169. To prohibit the use of the insecticide "Endrin", to provide penalties for violation thereof.

Agriculture.

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By Messrs. Greer, Coburn and Hill (With Notice and Proof):

H. 1170. Relating to Lauderdale County; to provide for the salary of the members of the Jury Commission.

Local Legislation No. 1.

Notice and Proof H. 1170:

LEGAL NOTICE

**STATE OF ALABAMA
COUNTY OF LAUDERDALE**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Lauderdale County; to provide for the salary of the members of the Jury Commission.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Each member of the Jury Commission of Lauderdale County shall be paid the sum of \$20 per day for the time actually engaged in the discharge of his duties as such member, to be paid out of the county treasury upon the warrant of the Probate Judge of the county. Such warrants shall be issued by such Probate Judge upon evidence satisfactory to him that such service has been rendered, but the compensation of each member of the commission shall not exceed \$1200 for any one year of this term.

SECTION 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

**STATE OF ALABAMA
COUNTY OF LAUDERDALE**

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Harrison, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the The Florence Times*Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 4, June 11, June 18, and June 25, all in the year 1975.

BILL HARRISON.

Sworn to and subscribed before me June 25th., 1975.

**WALLACE E. OWEN, JR.,
Notary Public, State at Large.**

My Commission Expires December 13, 1976.

By Mr. Folmar:

H. 1171. To amend further Act No. 533, Acts of Alabama, 1957 Regular Session, page 750, entitled "An Act To create a Board to be known as the State Board of Registration for Foresters; to provide for the qualification of members of said Board; to provide for the appointment of the members of said Board; to provide for their terms of office; to provide for the organization of said Board; to provide for the powers and duties of said Board; to provide for the registration of Foresters; to provide for the recording of licenses; to provide for the definition of the practice of Forestry; to provide for the revocation of licenses; to provide for fees for the issuance and recording of such licenses; to provide for reciprocity; to create a special fund to be known as the 'Professional Foresters Fund,' and to regulate expenditures therefrom; to repeal all laws in conflict with this Act; and to make an appropriation," as amended by Act No. 141, Acts of Alabama, 1961 Special Session, page 2082; by Act No. 1051, Acts of Alabama, 1969 Regular Session page 1965; and by Act No. 1202, S. 107, 1973 Regular Session(Acts of 1973, p. 2020); so as to provide for an increase in the registration fee for a license and the annual renewal fee for licenses.

Ways and Means.

By Messrs. Rich and Taylor:

H. 1172. Relating to all counties having a population of 90,000 to 100,000 inhabitants according to the most recent Federal Decennial Census; to provide that all county boards of education in such counties, shall have the power to borrow against revenues derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide that the district board member shall have sole power in securing such loan; to provide that all laws in conflict are hereby repealed and its becoming effective upon the signing by the Governor.

Local Legislation No. 1.

By Mr. Lockett:

H. 1173. To provide for the employment of two additional investigators for the district attorney's office for the fourth judicial circuit; providing for their compensation, authority and duties.

Local Legislation No. 1.

By Messrs. Plaster and Lockett (With Notice and Proof):

H. 1174. Relating to Autauga County; to provide further for the distribution of fines and forfeitures in certain cases.

Local Legislation No. 1.

Notice and Proof H. 1174:

LEGALS

A BILL TO BE ENTITLED AN ACT

Relating to Autauga County; to provide further for the distribution of fines and forfeitures in certain cases.

Be It Enacted by the Legislature of Alabama:

Section 1. One-half of all fines and forfeitures hereafter paid by persons convicted in courts of competent jurisdiction, other than municipi-

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pal courts, within Autauga County of violations of the rules of the road, or the laws of this State relating to or regulating traffic or the operation of motor vehicles upon the highways of this State, shall be paid to the general fund of Autauga County and the remainder shall be remitted by the proper authority to the State Treasurer, who shall credit the same to the proper fund in the State Treasury.

Section 2. All laws or parts of laws which conflict with this Act are to the extent of such conflict, repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF AUTAUGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Norman E. Ridenhour, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor and publisher of the Prattville Progress, a newspaper of general circulation published in Autauga County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 12, June 19, June 26, and July 3, all in the year 1975.

NORMAN E. RIDENHOUR.

Sworn to and subscribed before me July 11, 1975.

PATRICIA A. BARBER,
Notary Public.

My Commission Expires April 9, 1979.

By Messrs. Armstrong, Howard, Boles and Trammell (With Notice and Proof):

H. 1175. Relating to Jefferson County; to provide for the election, duties and compensation of certain officials of the Bessemer Division of said county and to repeal all conflicting statutes.

Local Legislation No. 2.

Notice and Proof H. 1175:

A BILL
TO BE ENTITLED
AN ACT

Relating to Jefferson County; to provide for the election, duties and compensation of certain officials of the Bessemer Division of said county and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. Those officials of the Bessemer Division of Jefferson County hereafter listed shall be elected as follows by the qualified voters of the territory over which the circuit court of the tenth judicial circuit sitting at Bessemer, has and exercises jurisdiction:

(a) Assistant Tax Collector shall be elected at the next general election for Tax Collector of said county and every six years thereafter.

(b) Assistant Tax Assessor shall be elected at the next general election for Tax Assessor of said county and every six years thereafter.

(c) Assistant Sheriff shall be elected at the next general election for Sheriff of said county and every four years thereafter.

(d) Deputy Treasurer shall be elected at the next general election for Treasurer of said county and every four years thereafter.

(e) Assistant Probate Judge shall be elected at the next general election for Judge of Probate of said county and every six years thereafter.

The duties and compensation of such officials shall be the same as heretofore provided by law.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws in conflict with this act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA JEFFERSON COUNTY

Before me, the undersigned Notary Public in and for the State and County aforesaid, personally appeared: John M. McElroy, Who being duly sworn, says on oath that he is: EDITOR-PUBLISHER of The Bessemer Advertiser, a newspaper published in the City of Bessemer, Jefferson County, Alabama, and that a legal notice was published for four weeks, consecutively, in said newspaper, a copy of which notice is hereto attached and made a part of this affidavit, and that the dates on which same was published were: June 20, 27, July 4, 11, 1975 and that the amount indicated hereon is a true and correct statement of the charges for publishing said notice.

Affiant further states that said newspaper is a newspaper having a general circulation in the county in which it is published, and that it has been mailed under second class mailing privilege for fifty-two (52) consecutive weeks prior to the publication of the foregoing advertisement.

JOHN M. McELROY,
Editor-Publisher.

Subscribed and sworn to before me this the 11th day of July, 1975.

JOHN E. SMITH,
Notary Public.

By Messrs. Armstrong, Waggoner, Moore (O), Trammell, Andrews and Hilliard (With Notice and Proof):

H. 1176. To allow the city of Bessemer to sell to a licensed gun dealer or to maintain for its own use any gun seized under the provisions of Section 173, 174, or 175 of Title 14 of the Code of Alabama 1958 recompiled and amended.

Local Legislation No. 2.

Notice and Proof H. 1176:

NOTICE OF INTENTION TO APPLY FOR THE PASSAGE OF
AN ACT ENTITLED A BILL TO BE ENTITLED AN ACT

AN ACT TO ALLOW THE CITY OF BESSEMER TO SELL TO A LICENSED GUN DEALER OR TO MAINTAIN FOR ITS OWN USE ANY GUN SEIZED UNDER THE PROVISIONS OF SECTION 173, 174, OR 175 OF TITLE 14 OF THE CODE OF ALABAMA 1958 RECOMPILED AND AMENDED.

SECTION I. Any guns seized by any of the policemen of the City of Bessemer wherein persons are charged with violation of Section 173, 174 or 175 of the Code of Alabama 1958 Recomplied as Amended after being turned over to the custodian of stolen property of the City of Bessemer may be sold at public outcry to the highest bid by any licensed gun dealer, or if the City determines that such gun or pistol can be used by the City of Bessemer in its law enforcement agencies of the City of Bessemer, it may be kept for such use.

SECTION II. Any guns presently held by the City may either be sold as provided in Section One above or kept for use by the City in its law enforcement program.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned Notary Public in and for the State and County aforesaid, personally appeared: John M. McElroy, Who being duly sworn, says on oath that he is: EDITOR-PUBLISHER of The Bessemer Advertiser, a newspaper published in the City of Bessemer, Jefferson County, Alabama, and that a legal notice was published for four weeks, consecutively, in said newspaper, a copy of which notice is hereto attached and made a part of this affidavit, and that the dates on which same was published were: May 23, 30, June 6, 13, 1975 and that the amount indicated hereon is a true and correct statement of the charges for publishing said notice.

Affiant further states that said newspaper is a newspaper having a general circulation in the county in which it is published, and that it has been mailed under second class mailing privilege for fifty-two (52) consecutive weeks prior to the publication of the foregoing advertisement.

JOHN M. McELROY,
Editor-Publisher.

Subscribed and sworn to before me this the 13th day of June, 1975.

JOHN E. SMITH,
Notary Public.

By Mr. Boles:

H. 1177. To prescribe procedure whereby certain persons who are qualified to take the Alabama bar examination and who are serving in the capacity of judge or ex officio judge, shall become members of the state bar without further examination and to repeal all conflicting statutes.

Judiciary.

By Messrs. Boles, Trammell and Hall (With Notice and Proof):

H. 1178. To fix the compensation of the mayor of any municipality in Jefferson County who is employed full-time by a municipality,

municipal board or municipal public corporation to serve as superintendent of one or more of certain utility systems owned and operated by such municipality, municipal board or municipal public corporation pursuant to the provisions of Title 37, Section 440, Alabama Code 1940, as amended.

Local Legislation No. 2.

Notice and Proof H. 1178:

A BILL
TO BE ENTITLED
AN ACT

STATE OF ALABAMA
COUNTY OF JEFFERSON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To fix the compensation of the mayor of any municipality in Jefferson County who is employed full-time by a municipality, municipal board or municipal public corporation to serve as superintendent of one or more of certain utility systems owned and operated by such municipality, municipal board or municipal public corporation pursuant to the provisions of Title 37, Section 440, Alabama Code 1940, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. The mayor of any municipality in Jefferson County who is employed full-time by a municipality, municipal board or municipal public corporation to serve as superintendent of a municipal light and power system, municipal water system, municipal sewage system and municipal gas system, one or more of them, owned and operated by such municipality, municipal board or municipal public corporation pursuant to the provisions of Title 37, Section 440, Alabama Code 1940, as amended, shall be paid for his service as superintendent of such system or systems, in addition to the salary he now or hereafter receives as mayor, such sum as the governing body, board or municipal public corporation shall deem reasonable, but not to exceed Twelve Hundred Dollars (\$1,200.00) per month, notwithstanding the provisions of Title 37, Section 440, Alabama Code 1940, as amended or any other law to the contrary.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws, general, local or special in conflict herewith are to the extent of such conflict hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared ELEANOR ABERCROMBIE FOSTER who, by me duly sworn, deposes and says that she is the PUBLISHER OF ALABAMA MESSENGER, (formerly the Alabama Legal Advertiser and

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the Birmingham Messenger), a weekly newspaper of GENERAL CIRCULATION, PUBLISHED and PRINTED in Jefferson County, Alabama, and which has been in CONTINUOUS WEEKLY PUBLICATION SINCE 1918, And that there was published in said newspaper in the issues of October 20, 27, November 3, 10, 1973, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER,
Publisher.

Sworn and subscribed to on this the 12th day of November, 1973.

KAREN W. ABERCROMBIE,
Notary Public.

By Mr. Smith (C):

H. 1179. To amend further Sections 1 and 3 of Act No. 470, S. 182, 1969 Regular Session (Acts of 1969, p. 912, now appearing in Code of Alabama, Recompiled 1958, Title 55 Sections 488 (1) and 488 (3)), entitled "An Act To provide for and regulate the payment of expenses of state officers and employees and persons traveling on official business for the State or any of its departments, institutions, boards, bureaus, commissions, councils, committees, and other like agencies," so as to raise the amount provided for in said sections.

Ways and Means.

By Messrs. Kelley, Starkey, Kinsey, Robertson, Lewis and Warren:

H. 1180. To appropriate from the General Fund the sum of Three Hundred Eighty-nine Thousand Eight Hundred Eighty-seven Dollars and 50/100 to the State Highway Department for the repair of certain roads and bridges within the State park system.

Ways and Means.

By Messrs. Moore (O) and Smith (C) (With Notice and Proof):

H. 1181. To repeal Act No. 1087, S. 900, 1969 Regular Session (Acts of 1969, p. 2022) entitled "An Act Relating to Shelby County; authorizing any bank situated within the county to open, establish, operate and maintain branch banks, branch offices or other places of business within a certain area within said county."

Local Legislation No. 1.

Notice and Proof H. 1181:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF SHELBY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 1087, S. 900, 1969 Regular Session (Acts of 1969, p. 2022) entitled "An Act Relating to Shelby County; authorizing any bank situated within the county to open, establish, operate and maintain branch banks, branch offices or other places of business within a certain area within said county."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1087, S. 900, 1969 Regular Session (Acts of 1969, p. 2022) entitled "An Act Relating to Shelby County; authorizing any bank situated within the county to open, establish, operate and maintain branch banks, branch offices or other places of business within a certain area within said county," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF SHELBY

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mildred White Wallace, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Associate-Editor of the Shelby County Reporter, a newspaper of general circulation published in Columbiana, Shelby County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 12, June 19, June 26, and July 3, all in the year 1975.

MILDRED WHITE WALLACE.

Sworn to and subscribed before me July 5, 1975.

CONRAD M. FOWLER,
Judge of Probate.

By Mr. Waggoner:

H. 1182. To amend Sections 2, 7 and 18 of Act No. 997, H. 400 Regular Session 1973 (Acts 1973 p. 1510) relating to the practice of public accounting so as to prescribe further qualifications for members of the State Board of Accountancy, to make written registration applicable to licensed accountants instead of public accountants and to further prescribe penalties.

Ways and Means.

By Mr. Merrill:

H. 1183. "To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$3,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide that all bonds issued by the Authority may thereafter be refunded by the issuance of refunding bonds; to provide for the deposit, investment and

disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Act No. 654 adopted at the 1965 Regular Session of the Legislature of Alabama, as amended, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the State Treasurer shall be the custodian of the funds of the Authority."

Ways and Means.

By Mr. Merrill:

H. 1184. To amend further Section 3 of Act No. 654 adopted at the 1965 Regular Session of the Legislature of Alabama, as heretofore amended, so as to reallocate the revenues derived from the tax authorized by the said Act and to appropriate so much of the said revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$3,000,000 in aggregate principal amount.

Ways and Means.

By Messrs. Robertson and Folmar:

H. 1185. Defining, regulating, and providing for the licensing of employment agencies, providing for the revocation and suspension of licenses subject to appeal; requiring the attorney general to enforce and administer this Act and the appointment, term, duties and compensation of an advisory board on licensing of employment agencies to assist the attorney general in administering this Act; prescribing penalties; and repealing conflicting laws.

Ways and Means.

By Mr. Brindley:

H. 1186. To appropriate \$400,000.00 from the Special Educational Trust Fund in the State Treasury, to be used for capital improvements for public educational purposes as a part of the city of Oneonta Public School System.

Ways and Means.

By Messrs. Barron, Smith (J), Cates, Venable, Folmar, Lee and Holmes:

H. 1187. To appropriate \$25,000.00 from the State General Fund to the Alabama Constitutional Commission for the fiscal year ending September 30, 1976.

Ways and Means.

By Messrs. Barron, Smith (J), Cates, Venable, Folmar, Lee and Holmes:

H. 1188. To amend Sections 3 and 8, as amended, and Section 10 of Act No. 753, H. 513, 1969 Regular Session (Acts of 1969, p. 1330), relating to the Alabama Constitutional Commission so as to further provide for the organization and operation of the Commission.

Ways and Means.

By Mr. Jolly (With Notice and Proof):

H. 1189. To create the office of supernumerary sheriff for Blount County, Alabama and to prescribe the qualifications, duties, appointment, elections and salary of such office.

Local Legislation No. 1.

Notice and Proof H. 1189:

STATE OF ALABAMA
COUNTY OF BLOUNT

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment shall be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

A BILL TO CREATE THE OFFICE OF SUPERNUMERARY SHERIFF FOR BLOUNT COUNTY, ALABAMA AND TO PRESCRIBE THE QUALIFICATIONS, DUTIES, APPOINTMENT, ELECTIONS AND SALARY OF SUCH OFFICE.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of supernumerary sheriff for Blount County, Alabama.

Section 2. That any person who has served not less than 15 consecutive years as sheriff of Blount County, Alabama and while he is serving as the sheriff of Blount County, Alabama, may elect to become a supernumerary sheriff of Blount County, Alabama.

Section 3. That any person who elects to become a supernumerary sheriff of Blount County, Alabama, shall file a certificate with the Secretary of State of the State of Alabama and the Blount County Commission of his election to become a supernumerary sheriff for Blount County, Alabama.

Section 4. That any person electing to become a supernumerary sheriff of Blount County, Alabama under the provisions of this act shall after the filing of said certificate as required by the above and foregoing paragraph, file the oath of office required by law for sheriffs and after said filing, shall be duly elected, appointed and constituted a supernumerary sheriff for Blount County, Alabama.

Section 5. The duties of the supernumerary sheriff of Blount County, Alabama shall be to serve as a consultant to the Sheriff of Blount County, Alabama relating to law enforcement and he shall serve as a consultant to the County Commission or the governing body of Blount County, Alabama relating to law enforcement.

Section 6. The governing body of said county shall deduct from the salary of the sheriff of Blount County in the amount equal to four percent (4 percent) of the monthly salary paid the said sheriff of Blount County. Such sum shall be deducted monthly from and after the effective date of this act and paid into the general fund of the county. Any person subject to the provisions of this act may, during his term of office, and prior to becoming supernumerary as provided herein, elect to withdraw an amount equal to the amount paid by him into the county general fund under the provisions in this section, and such shall be repaid to him. Thereafter he shall not be entitled to become a supernumerary hereunder. In the event such person shall die in office prior to becoming supernumerary, such sum shall be paid to his estate. No sheriff shall be eligible to become supernumerary unless two (2) years' payments as provided by this section have been paid, however, any sheriff who otherwise qualifies may become eligible upon the effective date of this act, by paying in a lump sum an amount equal to four percent (4 percent) of his compensation received during his last two years in office.

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Section 7. A person serving as a supernumerary sheriff under the provisions of this act shall serve for life and shall be paid a salary of \$7,200.00 per year in equal monthly installments from the general fund of Blount County, Alabama.

Section 8. All laws or parts of law which conflict with this act are repealed.

Section 9. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BLOUNT

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. Rice M. Howard, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was editor of the Southern Democrat, a newspaper of general circulation published in Blount County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 19, June 26, July 3, and July 10, all in the year 1975.

MRS. R. M. HOWARD,
Editor.

Sworn to and subscribed before me July 10, 1975.

JANE HILL,
Notary Public.

By Mr. Jolly (With Notice and Proof):

H. 1190. To alter, rearrange and extend the boundaries and corporate limits of the Town of Trafford in Jefferson County, Alabama, so as to annex certain territory to the town.

Local Legislation No. 2.

Notice and Proof H. 1190:

STATE OF ALABAMA
COUNTY OF JEFFERSON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the Town of Trafford in Jefferson County, Alabama, so as to annex certain territory to the town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the Town of Trafford in Jefferson County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the town the following described territory in addition to the area now embraced within such boundaries and corporate limits, to-wit:

NE¼ of the SW¼, the SE¼ of the SW¼, and the SW¼ of the SW¼ of Section 15, Township 14S, Range 2 West.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared ELEANOR ABERCROMBIE FOSTER who, by me duly sworn, deposes and says that she is the PUBLISHER OF ALABAMA MESSENGER, (formerly the Alabama Legal Advertiser and the Birmingham Messenger), a weekly newspaper of GENERAL CIRCULATION, PUBLISHED and PRINTED in Jefferson County, Alabama, and which has been in CONTINUOUS WEEKLY PUBLICATION SINCE 1918, And that there was published in said newspaper in the issues of June 14, 21, 28, July 5, 1975, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER,
Publisher.

Sworn and subscribed to on this the 7th day of July, 1975.

KAREN W. ABERCROMBIE,
Notary Public.

By Mr. Jolly (With Notice and Proof):

H. 1191. To alter, rearrange and extend the boundaries and corporate limits of the Town of Trafford in Jefferson County, Alabama, so as to annex certain territory to the town.

Local Legislation No. 2.

Notice and Proof H. 1191:

STATE OF ALABAMA COUNTY OF JEFFERSON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the Town of Trafford in Jefferson County, Alabama, so as to annex certain territory to the town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the Town of Trafford in Jefferson County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the town the following described territory in addition to the area now embraced within such boundaries and corporate limits, to-wit:

SE¼ of the SE¼ Section 9, Township 14S, Range 2W; SW¼ of the SW¼ Section 10, Township 14S, Range 2W.

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Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared **ELEANOR ABERCROMBIE FOSTER** who, by me duly sworn, deposes and says that she is the **PUBLISHER OF ALABAMA MESSENGER**, (formerly the Alabama Legal Advertiser and the Birmingham Messenger), a weekly newspaper of **GENERAL CIRCULATION, PUBLISHED and PRINTED** in Jefferson County, Alabama, and which has been in **CONTINUOUS WEEKLY PUBLICATION SINCE 1918**. And that there was published in said newspaper in the issues of June 14, 21, 28, July 5, 1975, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER,
Publisher.

Sworn and subscribed to on this the 7th day of July, 1975.

KAREN W. ABERCROMBIE,
Notary Public.

By Messrs. Gafford, Boles and Waggoner:

H. 1192. To apply in every county of the State having a population of 600,000 or more according to the last or any subsequent Federal Census; to define a city school district as any school district in the County the boundaries of which district are coterminous with the boundaries of a municipality; to provide that the County shall pay all expenses of any election on the levy of a proposed city school district tax; to provide that the municipality, or the City Board of Education, receiving such tax, or which would have received such tax if the levy had been approved at the election, shall reimburse the County for all such expenses paid by the County; and to provide that the Act shall apply retroactively so as to require such reimbursement with respect to any election which has been held, or shall have been held, subsequent to the first day of January in that year wherein such County becomes subject to this Act.

Local Legislation No. 2.

By Messrs. Gafford and Waggoner:

H. 1193. To exempt county hospital boards now or hereafter organized under the provisions of Act No. 46 adopted at the 1949 Regular Session of the Alabama Legislature, as amended, from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940.

Banking.

By Messrs. Gafford and Waggoner:

H. 1194. To amend Section 7 of Act No. 775 enacted at the 1951 Regular Session of the Legislature of Alabama which section provides for the issuance of revenue bonds by a board of water and sewer commissioners, by changing the rate of interest that such bonds may bear.

Banking.

By Messrs. Gafford and Waggoner:

H. 1195. To exempt gas districts now or hereafter organized under the provisions of Act No. 762 adopted at the 1951 Regular Session of the Alabama Legislature, as amended, from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940.

Banking.

By Mr. Sandusky (With Notice and Proof):

H. 1196. To amend further Act No. 668, Section 1, Regular Session 1951 (Acts 1951, v. 2, p. 1156, as amended, in relation to the mileage allowance provided the tax collector of Mobile County.

Local Legislation No. 3.

Notice and Proof H. 1196:

STATE OF ALABAMA
COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend further Act No. 668, Section 1, Regular Session 1951 (Acts 1951, v. 2, p. 1156, as amended, in relation to the mileage allowance provided the tax collector of Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 668, Section 1, Regular Session 1951 (Acts 1951, v. 2, p. 1156), as amended, an act providing for payment by Mobile County of automobile expenses of the tax collector, is hereby further amended to read as follows:

"Section 1. The governing body of Mobile County, Alabama, by whatsoever name called, is hereby authorized and empowered to reimburse the Tax Collector of Mobile County, Alabama, his agents or employees, for necessary automobile expenses incurred by them, when private automobiles are used, in collecting or attempting to collect ad valorem taxes on personal property as shown by the then current or existing Annual Abstract of Assessments on file in such office, fifteen cents (15) per mile for each mile traveled in so doing. Such claims shall not, in the aggregate, exceed Six Hundred Dollars (\$600.00) in any fiscal year of Mobile County."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Joyce Butt being sworn, says that she is Bookkeeper of The Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama; and the attached notice appeared in the issue of The Mobile Register May 14, 21, 28 and June 4, 1975

JOYCE BUTT.

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Sworn to and subscribed before me this 4 day of June, 1975.

GARY L. RICHARDSON,
Notary Public.

By Messrs. Higginbotham, Turnham and Whatley:

H. 1197. To amend further Section 388, Title 14, Code of Alabama 1940, relating to the duties of the state toxicologist so as to allow him to microfilm records in lieu of maintaining original reports as currently required.

Education.

By Mr. Campbell (With Notice and Proof):

H. 1198. To amend Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), entitled "An Act Relating to Choctaw County; to provide for the appointment of the County Superintendent of Education; to prescribe the qualifications, duties, term of office, and compensation of such offices; and to repeal all conflicting laws" relative to the compensation of the Superintendent of Education; and to repeal Section 5 of said Act No. 2312.

Local Legislation No. 1.

Notice and Proof H. 1198:

NOTICE

STATE OF ALABAMA
COUNTY OF CHOCTAW

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Authorizing the county commission of Choctaw County to pay the sheriff of Choctaw County a monthly expense allowance of two hundred fifty dollars (\$250.00).

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Choctaw County is authorized to pay from the county general fund to the sheriff of Choctaw County, the sum of two hundred fifty dollars (\$250.00) per month as an expense allowance. Such allowance shall be in addition to any and all other compensation and allowances presently or hereinafter provided by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CHOCTAW

Before me, the undersigned authority in and for said County in said State, this day personally appeared Charles Stebbins, who, being by me

first duly sworn, deposes and says that during the times herein mentioned he was General Manager of the Choctaw Advocate Inc., a newspaper of general circulation published in Choctaw County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 5, June 12, June 19, and June 26, all in the year 1975.

CHARLES S. STEBBINS.

Sworn to and subscribed before me June 26, 1975.

NELL F. EZELL,
Notary Public.

By Messrs. Campbell and Manley:

H. 1199. To amend Act No. 174, S. 94, Third Special Session 1971 (Acts 1971, p. 4423), regulating facilities for child care so as to further define the term day care center.

State Administration.

By Messrs. Gregg, Riddick, Albright and Smith (B):

H. 1200. To amend Section 3 of Act No. 2137 (H. 2624), approved October 1, 1971, entitled: "An Act relating to counties having a population of not less than 170,000 nor more than 300,000, according to the 1970 or any subsequent Federal Decennial Census; authorizing public hospital corporations organized under the laws of the State of Alabama heretofore or hereafter enacted, with the consent of the governing bodies of said counties and of the largest municipality within said counties to operate a service for the purpose of providing emergency aid, treatment, and emergency transportation for hire to the sick and injured within the counties; providing that such services as are established under the provisions of this act shall be managed, regulated, and controlled by said public hospital corporations; providing that said services may be provided by contract with public or private agencies; authorizing the setting of rates for said services; authorizing the county governing bodies within said population class, and the governing bodies of each municipality within said counties to operate all or any portion of any such service under contract with any such public hospital corporation establishing such service; providing that neither a public hospital corporation as herein described, or any licensee or contractor of said hospital corporation shall use the streets, avenues, alleys or public places of any city or town as contemplated by Section 230 of the Constitution of Alabama, without first obtaining the consent of the proper authorities of such city or town; and repealing all laws or parts of laws in conflict therewith."

Local Legislation No. 4.

By Messrs. Gregg, Albright, Smith (B) and Riddick:

H. 1201. To provide that when any physician, dentist, nurse, member of any organized rescue squad, or member of any police or fire department in any county of a population of 170,000 to 300,000, or in any city or town located in any county of a population of 170,000 to 300,000; any Alabama-licensed emergency medical technician, medical student, intern or resident practicing in a hospital in any county of a population of 170,000 to 300,000, with a training program approved by the American Medical Association; any employee of any public hospital corporation authorized to operate and operating an emergency ambulance service under the provisions of Act 2137, 1971 Legislature of Alabama, as amended; or any owner or employee of any licensee, franchisee, or con-

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tractor of any public hospital corporation in any county of a population of 170,000 to 300,000 gratuitously and in good faith renders first aid or emergency care to persons injured, or gives advice to anyone rendering aid or emergency care to persons injured, he shall not be liable for civil damages as a result of the acts or omissions resulting from said emergency care.

Local Legislation No. 4.

By Messrs. Crowe, Sparks, Naramore, Roberts, Drake, Armstrong, Carter, Robertson, Johnson, Manley, Kelley, Malone, Glass and Martin:

H. 1202. Relating to insurance; to provide for all insurance companies doing business in this state to establish a policy-holder security account consisting of cash or marketable securities, the total amount of any one account need not exceed 40 million dollars; and to provide further for an independent custodian over these funds who must exercise certain administrative duties and make reports on the accounts.

State Administration.

By Messrs. Crowe and Smith (B):

H. 1203. To amend Act 881, H. 669, Regular Session, 1965, (Acts 1965, p. 1649) which establishes a State Department of Mental Health so as to make a distinction between mental illness and developmental disabilities; to separate the services to the mentally ill and developmentally disabled; and, to provide further for the selection and term of office of the members of the Mental Health Board.

Health.

By Messrs. Crowe and Smith (B):

H. 1204. To authorize, empower and direct Regional Mental Health and Developmental Disabilities Authorities to provide comprehensive community services for all developmentally disabled persons; to authorize empower and direct the Department of Mental Health and Developmental Disabilities to encourage and assist Regional Mental Health and Developmental Disability Authorities organized under Act 310 in planning and developing community services through consultation, provisions of standards and financing of all operating cost; to provide a short title; to provide for the declaration of policy; to provide definitions; to provide for the application of the Act; to provide for the Department of Mental Health and Developmental Disabilities to establish standards; to provide for the employment of professional and non-professional personnel; to provide for full implementation of this Act by June 30, 1981; to provide for the application of a specific Act; to repeal conflicting laws; and for other purposes.

Health.

By Messrs. Crowe and Smith (B):

H. 1205. To provide for the public health; to permit counties and municipalities to form regional, nonprofit, public corporations; to require such corporations to implement programs and to construct, maintain, equip, and operate facilities, to provide that such programs and facilities be used in accordance with standards and criteria established by the State Board of Health and Alabama Mental Health Board so as to combat any or all forms of developmental disabilities and all forms of mental or emotional illness, alcoholism, and drug addiction; to provide for the powers, authorities, and duties of such corporations; to authorize the said corporations to enter into contracts with any agency for the purpose of carrying into effect the above, to authorize local

governing bodies to appropriate monies for the support of such facilities and programs; and to repeal and supersede Act No. 310, H. 591, Regular Session 1967, Acts 1967, p. 853.

Health.

By Messrs. Crowe and Smith (B):

H. 1206. To amend Section 1 of Act No. 106, S. 13, 1971 Regular Session (Acts 1971, p. 373), which is the Alabama Exceptional Child Education Act, so as to include the profoundly retarded child under the provisions of the act.

Health.

By Messrs. Crowe and Smith (B):

H. 1207. To provide a special exemption from the state income tax for a parent or guardian of a severely retarded person.

Ways and Means.

By Messrs. Moore (W), Carter, Lutz, Smith (B), Riddick, Moore (O), Martin, Roberts, Cross, Starkey, Gafford, White, Andrews, Trammell, Coburn, Crowe, Smith (M), Hilliard, Jackson (R), Mitchem, Hopping, Lee, Kelley, Whatley, Leonard, Smith (J), Greer, Drake, Robertson, Sparks, Pegues, Campbell, Malone, Sandusky, Cates, Kinsey, Sonnier, Glass, Kennedy, Callahan, Warren, Teague, Lockett, Clark, Plaster, Howard, Gregg, Jolly, Harrison, Armstrong, Boles, Biddle and Morris:

H. 1208. Relating to individual income taxation; providing further for deductions from gross income for state income tax purposes.

Ways and Means.

By Mr. Manley:

H. 1209. To propose an amendment to the Constitution of Alabama requiring that all revenues received by the State after September 30, 1976 (with certain specified exceptions) be immediately paid into the State Treasury for credit to the general fund of the State, prohibiting the Legislature from passing, after September 30, 1976, any law allocating or earmarking any State revenues for any special purpose or to or for the benefit of any particular agencies (with certain specified exceptions) and specifying that State authorities and public corporations may continue to issue, in pursuance of law, bonds and other securities that are not general obligations of the State and that are payable solely out of certain specified State revenues, and that such bonds and other securities shall not constitute debts of the State within the meaning of the Constitution.

State Administration.

The above bill was read a first time at length as required by the Constitution.

By Mr. Callahan:

H. 1210. To amend Section 11 of Act No. 492 of the General Acts of the Regular Session of the Alabama Legislature of 1947 so as to provide that after completion of 50% of the contract no additional retainage will be withheld.

State Administration.

By Mr. Drake (With Notice and Proof):

H. 1211. To authorize and direct the Cullman County Commission to levy and provide for the collection of an additional tax on gasoline,

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with the proceeds to be used for paving or resurfacing county roads in Cullman County; and to direct the state highway department to use such funds solely for the purpose of paving or resurfacing county roads in Cullman County.

Local Legislation No. 1.

Notice and Proof H. 1211:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF CULLMAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize and direct the Cullman County Commission to levy and provide for the collection of an additional tax on gasoline, with the proceeds to be used for paving or resurfacing county roads in Cullman County; and to direct the state highway department to use such funds solely for the purpose of paving or resurfacing county roads in Cullman County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Cullman County Commission is hereby authorized and directed to levy and provide for the collection, in addition to all other privilege taxes now levied in Cullman County, of a privilege tax on the business of selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county of gasoline, naphtha, and other liquid motor fuels or any device or substitute therefor, commonly used in internal combustion engines. Such tax shall be in the amount of one cent per gallon, provided, however, nothing contained herein shall be held to apply to the privilege of selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county of those products known commercially as "kerosene oil," "fuel oil," or "crude oil" commonly used for lighting, heating or industrial purposes, nor the privilege of selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in Cullman County of tractor fuel, gas oil, distillate or liquefied gas, kerosene and jet fuel even though these last mentioned oils and fuels may be used in internal combustion engines.

Section 2. The county commission shall provide for the tax levied pursuant to this Act to be collected in the same manner and at the same time and subject to the same rules and regulations that other county privilege taxes on the business of selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in Cullman County of gasoline, naphtha and other liquid motor fuels are collected.

Section 3. The net proceeds of the tax levied pursuant to this Act shall be used exclusively for the paving or resurfacing of county roads in Cullman County; and on or before the tenth day of each month, the official charged with the duty of collecting the tax levied pursuant to this Act, shall pay over to the state highway department the net proceeds of the tax collected by him during the preceding month. Such funds shall be maintained by the state highway department in a separate account and used by such department solely for the purpose of paving or resurfacing county roads in Cullman County.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Marc Miller, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Cullman Tribune, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 22, May 29, June 5, and June 12, all in the year 1975.

MARC MILLER.

Sworn to and subscribed before me May 29, 1975.

CHARLOTTE MILLER,
Notary Public.

By Messrs. Drake and Sparks (With Notice and Proof):

H. 1212. Pertaining to Cullman County; to abolish the office of Register in Chancery of the Thirty-Second Judicial Circuit; to provide that the Circuit Clerk of said circuit shall henceforth perform the duties and functions of said Register; to provide that such change shall become effective on January 17, 1977; and establish the yearly salary for the Circuit Clerk.

Local Legislation No. 1.

Notice and Proof H. 1212:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF CULLMAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Pertaining to Cullman County; to abolish the office of Register in Chancery of the Thirty-Second Judicial Circuit; to provide that the Circuit Clerk of said circuit shall henceforth perform the duties and functions of said Register; to provide that such change shall become effective on January 17, 1977; and establish the yearly salary for the Circuit Clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of Register in Chancery of the 32nd Judicial Circuit of Alabama is hereby abolished and all duties and functions of said office, as heretofore provided by law, or as may hereafter be provided by general law for Registers in Chancery, are transferred to the Circuit Court Clerk of said Circuit; it being the intent of this Act to grant and convey to said Clerk all the powers, authority, immunities, privileges and duties heretofore held and exercised by the said Register in addition to said Clerk's regular duties and functions provided by law. In assuming such authority and duties said Circuit Court Clerk shall collect and lawfully disperse all fees heretofore or hereafter provided by law to be collected and distributed by Registers of Circuit courts. All files, papers, documents and equipment of the said register shall be delivered to the custody of said Clerk. All outstanding accounts receivable by the Register in Chancery aforesaid are hereafter to be collected and dispersed by the said Clerk as heretofore provided by law for the Register and as if collected and dispersed by said Register.

Section 2. The Circuit Clerk shall receive a salary of \$15,500 per year, to be given in lieu of all other salary.

Section 3. This Act shall become effective on January 17, 1977.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Marc Miller, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Tribune, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 19, June 26, July 3, and July 10, all in the year 1975.

MARC MILLER.

Sworn to and subscribed before me June 27, 1975.

CHARLOTTE MILLER,
Notary Public.

By Messrs. Drake and Sparks (With Notice and Proof):

H. 1213. Relating to Cullman County, providing an expense allowance for the members of the county board of education, which shall be in lieu of any expense allowances now payable to such members.

Local Legislation No. 1.

Notice and Proof H. 1213:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF CULLMAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Cullman County, providing an expense allowance for the members of the county board of education, which shall be in lieu of any expense allowances now payable to such members.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Cullman County Board of Education shall hereafter receive an annual expense allowance of \$1,200.00, which shall be in lieu of any expense allowance now payable to such persons under existing law, payable in twelve equal monthly installments out of the public school funds of the county.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Marc Miller, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Tribune, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 19, June 26, July 3, and July 10, all in the year 1975.

MARC MILLER.

Sworn to and subscribed before me June 27, 1975.

CHARLOTTE MILLER,
Notary Public.

By Messrs. Drake and Sparks (With Notice and Proof):

H. 1214. Relating to Cullman County; to reimburse the office of the judge of probate for any monetary loss resulting in the performance of official duties from errors or mistakes, made in good faith, and upon proper certification by the state auditor, not to exceed a maximum of fifteen hundred dollars per annum; making the provisions herein retroactive to October 1, 1972.

Local Legislation No. 1.

Notice and Proof H. 1214:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF CULLMAN

Notice is hereby given that a bill substantially as follows will be

introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Cullman County; to reimburse the office of the judge of probate for any monetary loss resulting in the performance of official duties from errors or mistakes, made in good faith, and upon proper certification by the state auditor, not to exceed a maximum of fifteen hundred dollars per annum; making the provisions herein retroactive to October 1, 1972.

Be It Enacted by the Legislature of Alabama:

Section 1. The Cullman County commission shall reimburse the office of the probate judge in the amount of any monetary loss as a consequence of any error or honest mistake, made in the performance of the duties of that office, provided the state auditor certifies that such error or mistake was made in good faith.

Section 2. The maximum aggregate annual reimbursement shall not exceed the sum of fifteen hundred dollars.

Section 3. upon proper certification by the state auditor, as described in Section 1 hereof, any monetary loss as a consequence of any error or mistake made in good faith include acceptance by the office of the judge of probate of worthless or forged checks, drafts, or other written orders for money or its equivalent.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The operation of this Act shall be retroactive to October 1, 1972, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Marc Miller, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Tribune, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 19, 26, July 3, and July 10, all in the year 1975.

MARC MILLER.

Sworn to and subscribed before me June 27, 1975.

CHARLOTTE MILLER,
Notary Public.

By Messrs. Drake and Sparks (With Notice and Proof):

H. 1215. Relating to Cullman County, providing for the establishment of a consolidated and unified system for assessment and collection

of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

Local Legislation No. 1.

Notice and Proof H. 1215:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF CULLMAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Cullman County, providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. After September 30, 1979, there shall be a county revenue commissioner in Cullman County. A commissioner shall be elected at the general election in 1978 and at the general election every six years thereafter, who shall serve for a term of six years from the thirtieth day of September next after his election, and until his successor is elected and has qualified.

Section 2. The county revenue commissioner shall do and perform all acts, duties, and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for taxation, the collection of taxes, the keeping of records and the making of reports concerning assessments for and the collection of taxes.

Section 3. Subject to the approval of the court of county commissioners or other like county governing body, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks, and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

Section 4. Before entering upon the duties of his office the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the court of county commissioners or like governing body of the county, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge or probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the court of county commissioners or other like governing body of the county, and shall be a preferred claim against the county.

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Section 5. The court of county commissioners or other like governing body of the county shall provide the necessary offices for the county revenue commissioner in the courthouse, and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor, the tax collector of the county are now or hereafter by law authorized or directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of his office the county revenue commissioner shall receive an annual salary of \$15,500, payable in equal monthly installments out of the general fund of the county.

Section 7. The offices of tax assessor and tax collector of Cullman County are hereby abolished effective the first day of October, 1979.

Section 8. It is the purpose of this Act to promote the public convenience in Cullman County by consolidating the offices of tax assessor and tax collector into one office.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this Act are repealed.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Marc Miller, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Tribune, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 26, July 3, July 10, and July 17, all in the year 1975.

MARC MILLER.

Sworn to and subscribed before me July 17, 1975.

CHARLOTTE MILLER,
Notary Public.

By Messrs. Drake and Sparks (With Notice and Proof):

H. 1216. To provide further for the expense allowances of certain county officers and officials of Cullman County.

Local Legislation No. 1.

Notice and Proof H. 1216:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF CULLMAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide further for the expense allowances certain county officers and officials of Cullman County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following county officers and officials of Cullman County shall be granted an additional annual increase in expense allowances according to the following schedule to be paid in equal monthly installments out of the same funds and in the same manner that their regular expense allowances are paid:

Probate Judge	\$1,200.00
Tax Assessor	\$1,200.00
Tax Collector	\$1,200.00
Circuit Clerk	\$1,200.00
Register in Chancery	\$1,200.00
Chairman of the County Commission	\$1,800.00
Associate Members of the County Commission	\$1,200.00
Intermediate Court Judge	\$3,600.00
Clerk of the Intermediate Court	\$1,200.00
Sheriff	\$1,200.00
Deputy District Attorney	\$1,200.00
Coroner	\$1,200.00
Court Reporters	\$1,200.00

Section 2. The compensation herein granted shall be in addition to all other salary expense allowances and expense allowances provided for by law.

Section 3. The provisions of this Act shall become effective on the first day of the month next succeeding the date that this bill becomes law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Marc Miller, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Tribune, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive

weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 22, May 29, June 5, and June 12, all in the year 1975.

MARC MILLER.

Sworn to and subscribed before me May 29, 1975.

CHARLOTTE MILLER,
Notary Public.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Turnham and Sasser:

H. J. R. 140. BE IT RESOLVED By The Legislature Of Alabama, Both Houses Thereof Concurring:

That there is hereby created a joint interim committee for the purpose of making an investigation and study relative to amending the probate law of Alabama to conform to the Uniform Probate Code.

The Committee shall be composed of four members from the House, to be appointed by the Speaker of the House, and three members from the Senate, to be appointed by the Lieutenant Governor. The members of the committee shall elect a chairman and a vice-chairman.

The members of the Committee shall be allowed, for not exceeding ten days, the regular per diem for expenses now allowed the members of the Legislature for their attendance during regular sessions. Payment shall be made upon certificates of attendance signed by the Chairman or Vice-Chairman.

The Committee shall seek the advice, assistance and cooperation of the Alabama Law Institute, the Alabama Bar Association, and other persons or groups of persons in an effort to do everything possible to improve the probate laws of Alabama, and to that end may hold public hearings if deemed advisable.

The Committee shall report its findings, conclusions, and recommendations to the Legislature not later than the fifth (5th) legislative day of the 1976 Regular Session, whereupon the Committee shall be dissolved.

On motion of Mr. Turnham, the rules were suspended and the resolution, H. J. R. 140, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 76. Commending the City of Bridgeport upon being named a Bicentennial Community.

Also:

H. J. R. 77. Congratulating Mrs. Audrey P. Clements upon retirement.

Also:

H. J. R. 83. Mourning the death of Marcius Bruce Lee.

Also:

H. J. R. 86. Congratulating Forest Latta upon being elected Governor of Boys State.

Also:

H. J. R. 88. Commending the members of the Madison County Elected Officials Salary Commission.

Also:

H. J. R. 89. To designate a portion of U. S. 278 in Cullman County as the Ave Maria Grotto Boulevard.

Also:

H. J. R. 91. Congratulating Mrs. Lloyd L. Mehaffey on being named Volunteer of the Year by the Ladies Auxiliary to Alabama Goodwill Industries.

Also:

H. J. R. 92. Mourning the death of Howard Ellington.

Also:

H. J. R. 93. Honoring Mr. Ben Starr on the dedication of the Southern Dixie Youth League Baseball Field behind Seth Johnson School on Narrow Lane Road in Montgomery, Alabama, as the "Ben Starr Athletic Field."

Also:

H. J. R. 97. Commending the voters of the state for approving the annual sessions amendment.

Also:

H. J. R. 99. Wishing a speedy recovery to Alabama's Congressmen and their wives.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

Also:

By Mr. Manley:

H. J. R. 141. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two Houses adjourn today that the House adjourns to meet on Thursday, July 17, and when the House adjourns on Thursday, July 17, it adjourns to meet on Tuesday, July 22, and when the Senate adjourns today it shall adjourn to meet on Tuesday, July 22.

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On motion of Mr. Manley, the rules were suspended and the resolution, H. J. R. 141, was adopted.

BILLS ON THIRD READING

And the bill:

H. 920. To provide for additional expense allowances for certain public officials in Washington County.

Was taken up.

H. 920 POSTPONED

On motion of Mr. McCulley, the bill, H. 920, was postponed to the fifteenth legislative day.

And the bill:

H. 965. To amend further Sections 4, 16, 24 and 26 and to amend and reenact Section 28 of Act No. 13, H. 118 of the 1947 Regular Session (Local Acts 1947, p. 7), as amended, which establishes for the municipality of Phenix City a pension and relief system for the benefit of firemen and policemen, so as to regulate further membership in, creditable service and retirement under such system.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Brindley, Campbell, Carter, Clark, Coburn, Cooper, Cross, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holley, Hopping, Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Roberts, Sandusky, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—67

And the bill:

H. 966. To authorize and provide for the establishment of emergency medical services for the sick, infirm and injured in Russell County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Brindley, Campbell, Carter, Clark, Coburn, Cooper, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, LeFlore, Lewis, Lutz, McNees, Malone, Manley, Martin, Merrill, Mitchell, Moore (O), Moore (W), Naramore, Owens, Plaster, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

—65

And the bill:

H. 983. (With Amendment): To amend Section 1 of Act No. 441, Special Session, 1966, Page 170 relating to Shelby County, which authorized the County Governing body to appropriate funds for retirement benefits to certain county employees by increasing the retirement benefits from \$75.00 per month to \$150.00 per month commencing as of January 1, 1975.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

In the title, on line 7, strike the number "441" and insert in lieu thereof the following:

140.

And the amendment was adopted.

Yeas 65; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Brindley, Campbell, Carter, Clark, Coburn, Cross, Dial, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

—65

And the bill:

H. 983. To amend Section 1 of Act No. 140, Special Session, 1966, Page 170 relating to Shelby County, which authorized the County Governing body to appropriate funds for retirement benefits to certain county employees by increasing the retirement benefits from \$75.00 per month to \$150.00 per month commencing as of January 1, 1975.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Brindley, Campbell, Carter, Clark, Coburn, Cross, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, McNees, Malone, Manley, Martin, Mcrrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

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H. 1059 RECOMMITTED

On motion of Mr. Hill to recommit, the bill, H. 1059, was recommit-
ted to the Standing Committee on Local Legislation No. 1.

H. 637 RECOMMITTED

On motion of Mr. Falkenburg to recommit, the bill, H. 637, was
recommitted to the Standing Committee on Local Legislation No. 2.

RESOLUTION

The following resolution was introduced:

By Mr. Cooper:

**H. J. R. 142. URGING ALL MEMBERS OF THE LEGISLATURE
TO WORK TOGETHER TO PROVIDE ADEQUATE FUNDING TO THE
CORRECTIONAL SYSTEM.**

WHEREAS, The Board of Corrections is in urgent need of adequate
funding to properly run a correctional system that will provide humane
and rehabilitative conditions; and

WHEREAS, The current situation has reached crisis proportions due
to overcrowding in the prisons, lack of sanitary facilities, shortages of
correctional officers, and a lack of funding in general; and

WHEREAS, The Board of Corrections is making every effort possi-
ble to manage the prison system under existing circumstances; and

WHEREAS, Under the Constitution of the State of Alabama, the
Legislature is vested with the authority and responsibility to manage
the Correctional System notwithstanding the fact that the Federal courts
may preempt this responsibility; and

WHEREAS, The Legislature must, in a spirit of cooperation and in
the interest of responsible leadership, seek an immediate solution to pro-
viding adequate funding to the Correctional System; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
HOUSES THEREOF CONCURRING,** That all senators and representa-
tives will work together to adequately fund a Correctional System that
will provide for basic human needs with the rehabilitation of inmates as
its ultimate goal.

On motion of Mr. Cooper, the rules were suspended and the resolu-
tion, H. J. R. 142, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

**H. 1011. Relating to Clarke County, Alabama; authorizing the
Clarke County Commission to appropriate and pay monies, out of the
General Fund of the County, in such amounts as it may determine, to
or for the use and benefit of the Clarke County Association for Retarded
Citizens.**

Was read a third time at length and passed, and ordered sent forth-
with to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

**Mr. Speaker, Albright, Andrews, Baker, Barron, Campbell, Carter, Cates,
Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Folmar,**

Gafford, Goodwin, Gregg, Harris, Hines, Hopping, Howard, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Moore (O), Moore (W), Naramore, Owens, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Weeks and White.

—59

And the bill:

H. 1012. Relating to Clarke County; providing an additional expense allowance for the members of the Clarke County Commission or other like governing body.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Campbell, Carter, Cates, Clark, Coburn, Cooper, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, LeFlore, Lewis, Lutz, McCulley, McNair, McNees, Manley, Martin, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Warren, Weeks, Whatley, White and Wyatt.

—71

And the bill:

H. 1013. Relating to Clarke County, Alabama; to provide that the Clerk of the Inferior Court of said County and the Recorders of the Municipal Courts of Grove Hill, Jackson and Thomasville in said County may each take affidavits and complaints, issue warrants of arrest in misdemeanor and felony cases, and issue search warrants.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Boles, Brindley, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Holley, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Warren, Weeks, Whatley, White and Wyatt.

—74

And the bill:

H. 1020. To amend Act No. 1242, H. 1633, 1971 Regular Session (Acts 1971, p. 2144) entitled "An Act Relating to Cullman County; to prescribe the amount of the director's fee which may be paid to mem-

bers of the board of directors of certain gas districts", so as to increase the amount of the director's fee.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Boles, Brindley, Campbell, Carter, Clark, Coburn, Cooper, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Trammell, Venable, Warren, Weeks, Whatley, White and Wyatt.

—73

And the bill:

H. 1040. To provide for and create the Greene County Racing Commission, for the regulating, licensing and supervision of Greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereto, and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 52; Nays 4.

Yeas:

Messrs.: Baker, Barron, Boles, Campbell, Cates, Clark, Coburn, Cooper, Edwards, Falkenburg, Folmar, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Howard, Jackson (R), Johnson, Johnstone, Kelley, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Owens, Plaster, Quarles, Reed, Riddick, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Venable, Warren, Weeks, Whatley and Wyatt.

—52

Nays: Messrs. Crowe, Drake, Robertson and Sonnier.

—4

And the bill:

H. 1045. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Trinity.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Boles, Brindley, Campbell, Carter, Cates, Clark, Coburn, Cooper, Cross, Edwards, Falkenburg,

Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holley, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—75

And the bill:

H. 1071. Relating to the stenographic secretary appointed by the district attorney in every judicial circuit, composed of one county with a population of not less than 27,000 nor more than 27,900, so as to authorize an additional expense allowance for the stenographic secretary.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Boles, Brindley, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Plaster, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Weeks, Whatley, White, Williams and Wyatt.

—71

H. 1040 RECONSIDERED

Having voted on the prevailing side, Mr. Greer moved to reconsider the vote by which the bill, H. 1040, was passed, and the motion was adopted.

Yeas 39; Nays 12.

Yeas:

Messrs.: Barron, Boles, Clark, Coburn, Cooper, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Holley, Hopping, Johnstone, Kelley, Lewis, Lutz, McNair, McNees, Mitchem, Moore (W), Quarles, Riddick, Robertson, Smith (B), Smith (C), Sonnier, Sparks, Teague, Turnham, Venable, Warren, White and Williams.

—39

Nays:

Mr. Speaker, Albright, Campbell, Falkenburg, Harris, Kennedy, Lee, McCluskey, McCulley, Manley, Owens and Sasser.

—12

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1040. To provide for and create the Greene County Racing Commission, for the regulating, licensing and supervision of Greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereto, and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

Was again read at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 27; Nays 5.

Yeas:

Messrs.: Barron, Campbell, Clark, Coburn, Falkenburg, Folmar, Glass, Gregg, Harris, Hines, Howard, Johnstone, Kennedy, Lee, LeFlore, Lockett, McCluskey, McCulley, Malone, Manley, Martin, Reed, Sasser, Venable, Weeks, Williams and Wyatt.

—27

Nays: Messrs. Drake, Robertson, Smith (C), Sonnier and Sparks. —5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 159. (With Amendment): Relating to Madison County, to set standards for judicial officers in said county for the pre-trial release of those persons accused of crimes, and to establish penalties for failure to appear or for violation of release conditions.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. B. 159 by deleting Section 11, Page 4 and renumbering Sections 12, 13, 14, and 15 as Sections 11, 12, 13 and 14.

And the amendment was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Carter, Clark, Coburn, Cooper, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Narmore, Owens, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robert-

son, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—75

And the bill, H. 159 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carter, Clark, Coburn, Cooper, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Hopping, Howard, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Plaster, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—74

And the bill:

H. 160. To amend Section 5 of Act No. 790, H. 1817, Regular Session 1973 (Acts 1973, p. 1203) establishing the office of Warrant Magistrate in Madison County so as to correct a reference to a certain Section of Title 15, Code of Alabama 1940.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carter, Clark, Coburn, Cooper, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Reed, Riddick, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

And the bill:

H. 751. To authorize and empower the director of the Madison County License Department to charge and collect a fee of \$1.00 for the performance of duties relative to the recording of the transfer of ownership of motor vehicles as prescribed in Title 51, Section 706, Code of Alabama 1940, as last amended; to provide that all fees so collected shall be the property of the county and shall be paid into the general fund of the county; to repeal conflicting laws.

Was taken up.

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H. 751 POSTPONED

On motion of Mr. Lutz, the bill, H. 751, was postponed to the fifteenth legislative day.

And the bill:

H. 766. To authorize the Madison County Commission to pay the expenses of defending lawsuits brought against employees of Madison County, Alabama, resulting from the performance of any work while in the employment of Madison County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Burgess, Campbell, Carter, Clark, Coburn, Cooper, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McCulley, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Reed, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—72

And the bill:

H. 770. To authorize Madison County, Alabama, to levy a business or privilege fee upon any business, vocation, occupation, calling or profession for which a business or privilege fee or tax is not required for either the State of Alabama or the county by the laws of the State of Alabama, and to limit the amount of any such business or privilege license fee.

Was taken up.

Mr. Lutz offered the following amendment to the bill:

Amend H. B. 770 by adding the following Section 7 and renumbering subsequent sections accordingly:

Section 7. Nothing in this Act shall be construed to authorize or require a license or privilege fee for practicing the religious tenents of any church.

And the amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Brindley, Campbell, Carter, Clark, Coburn, Cooper, Cross, Drake, Edwards, Falkenburg, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Holmes, Hopping, Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCulley, McNair, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Plaster, Reed, Riddick, Roberts, Sasser, Smith (B), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, White and Wyatt.

—59

And the bill, H. 770 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Brindley, Campbell, Carter, Clark, Cooper, Cross, Drake, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Holley, Holmes, Hopping, Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Reed, Roberts, Sasser, Smith (B), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—64

And the bill:

H. 910. Pertaining to Madison County, to amend Act 608 of the 1973 Regular Session, which Act provides for the temporary release of certain prisoners in the County Jail for the purpose of obtaining and working at gainful employment, so as to provide for the payment to the County of a portion of the net earnings of said prisoners and for the utilization of funds derived therefrom.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Brindley, Campbell, Carter, Clark, Coburn, Cooper, Cross, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Reed, Riddick, Roberts, Sasser, Smith (B), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—69

And the bill:

H. 1027. To change the compensation of the Coroner of Madison County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Boles, Brindley, Campbell, Coburn, Cooper, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Holley, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Plaster,

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Quarles, Reed, Rich, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, Williams and Wyatt.

—67

Nay: Mr. Riddick.

—1

And the bill:

H. 1028. To change the compensation of the Sheriff of Madison County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Coburn, Cooper, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Holley, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Plaster, Quarles, Reed, Rich, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—68

Nay: Mr. Riddick.

—1

And the bill:

H. 1029. To authorize the Madison County Commission to provide for the relief of Sara Hall Gibson.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carter, Coburn, Cooper, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Holley, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCulley, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Rich, Riddick, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—70

And the bill:

H. 1030. To change the compensation of the Chairman of the County Commission of Madison County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 1.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Boles, Brindley, Campbell, Carter, Clark, Coburn, Cooper, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Holley, Holmes, Hopping, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—66

Nay: Mr. Riddick.

—1

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Riddick removed as co-sponsor to the bill, H. 1030.

And the bill:

H. 1031. To change the compensation of the Probate Judge of Madison County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 59; Nays 1.

Yeas:

Mr. Speaker, Baker, Boles, Brindley, Campbell, Carter, Clark, Cooper, Cross, Drake, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Holley, Holmes, Hopping, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Plaster, Reed, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—59

Nay: Mr. Riddick.

—1

And the bill:

H. 1032. To change the court fees assessed in civil cases in the Circuit Court and General Sessions Court of Madison County, Alabama, and in cases in the Probate Court of Madison County, Alabama, and to require the payment of court fees in civil cases and in cases in the Probate Court when same are filed with said courts.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Boles, Brindley, Campbell, Carter, Coburn, Cooper, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Holley, Holmes, Hopping, Howard, Johnstone, Jolly, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley,

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Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Plaster, Reed, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, White and Wyatt.

—58

And the bill:

H. 1033. To change the compensation of each member of the Madison County Board of Education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 1.

Yeas:

Mr. Speaker, Albright, Baker, Boles, Brindley, Campbell, Carter, Cooper, Cross, Crowe, Drake, Falkenburg, Gafford, Greer, Gregg, Hall, Harris, Holley, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lutz, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Plaster, Reed, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, Waggoner, Weeks, White and Wyatt.

—57

Nay: Mr. Riddick.

—1

And the bill:

H. 1034. To provide in Madison County, Alabama, that the fee charged for issuing any license to a person to carry a pistol in a vehicle or concealed on or about his person pursuant to Section 177, Title 14, Code of Alabama, 1940, as last amended, shall be Five Dollars (\$5.00).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Campbell, Carter, Clark, Cooper, Cross, Drake, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Holley, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—64

And the bill:

H. 1037. To change the compensation of each member of the County Commission, except for the Chairman thereof, of Madison County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Campbell, Carter, Cooper, Cross, Drake, Falkenburg, Gafford, Greer, Gregg, Hall, Harris, Holley, Holmes, Hopping, Johnstone, Jolly, Killian, Kinsey, LeFlore, Lewis, Lutz, McCulley, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—54

Nay: Mr. Riddick.

—1

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Riddick removed as co-sponsor to the bill, H. 1037.

And the bill:

H. 1038. To change the compensation of the Tax Collector of Madison County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 1.

Yeas:

Messrs.: Baker, Brindley, Campbell, Carter, Clark, Coburn, Cooper, Cross, Drake, Falkenburg, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Holley, Holmes, Hopping, Johnstone, Jolly, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Plaster, Reed, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

—55

Nay: Mr. Riddick.

—1

And the bill:

H. 1039. To change the compensation of the Tax Assessor of Madison County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 1.

Yeas:

Messrs.: Albright, Armstrong, Baker, Brindley, Carter, Coburn, Cooper, Cross, Drake, Falkenburg, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Holley, Holmes, Howard, Johnstone, Jolly, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Plaster, Reed, Rich, Roberts, Sandusky, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—57

Nay: Mr. Riddick.

—1

And the bill:

H. 1082. To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Huntsville in said County to license, regulate, and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide that the Council or other governing body of the City of Huntsville, in Madison County, shall have the power to suspend or revoke any retail liquor or malt or brewed beverage license issued by said city; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses; to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to provide for the revocation and suspension of licenses for certain violations; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Albright, Barron, Campbell, Carter, Clark, Coburn, Cross, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes, Howard, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Pegues, Quarles, Reed, Rich, Riddick, Sandusky, Sasser, Smith (B), Sonnier, Teague, Turnham, Venable, Waggoner, Warren, Weeks, White and Wyatt.

—58

And the bill:

H. 506. (With Amendment): To amend Sections 279, 280, 282, 283, 284, 285, 288 and 289 of Title 62 of the 1940 Code of Alabama, which sections regulate the licensing, teaching and practice of cosmetology in Jefferson County.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. B. 506, page 2, line 14 of Section 3 by striking the words "It shall be unlawful to practice cosmetology in any room or shop used wholly or in part for living or sleeping quarters, but nothing shall prevent any licensed beauty shop from sending licensed operator to serve a patron who shall desire such a service performed in patron's own home."

Also, page 2, line 20 of Section 4 by striking the word "moral".

Also, page 5, line 2 of subsection J of Section 7 by adding after the phrase "directly or indirectly," the words

"at the location of the school where they are teaching."

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Brindley, Campbell, Carter, Clark, Coburn, Cooper, Cross, Crowe, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes, Jackson (R), Johnstone, Jolly, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Plaster, Quarles, Rich, Riddick, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—67

Mr. Gafford offered the following amendment to the bill, H. 506, as amended:

Amend H. B. 506, Page 2, Section V, 5th line, by striking the word "moral" so that the phrase reads, viz: of good character.

And the amendment was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carter, Clark, Coburn, Cooper, Cross, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, McCluskey, McCulley, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (C), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—74

And the bill, H. 506 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carter, Clark, Coburn, Cooper, Cross, Crowe, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hines, Holley, Holmes, Howard, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, McCluskey, McCulley, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—76

And the bill:

H. 681. (With Amendment): Relating to Jefferson County; prohibiting service and execution of subpoenas and warrants issued for non-

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moving traffic violations during certain hours, and repealing conflicting laws.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend Section 2, Line 23, H. B. 681, by deleting the words and figures "7:00 P. M." and substitute in lieu thereof the words and figures "11:00 P. M."

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Carter, Clark, Coburn, Cooper, Cross, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (R), Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, White, Williams and Wyatt.

—72

And the bill, H. 681 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carter, Clark, Coburn, Cooper, Cross, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, Williams and Wyatt.

—73

And the bill:

H. 897. To further amend Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which established a pension system for employees and officers of Jefferson County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carter, Clark, Coburn, Cooper, Crowe,

Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes, Hopping, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—73

And the bill:

H. 898. To provide what the fees established by Section 274, Title 51, Ala. Code of 1940 (fees relating to sale of real estate for delinquent taxes) shall be in Jefferson County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carter, Clark, Coburn, Cooper, Cross, Crowe, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

And the bill:

H. 718. Relating to Etowah County; to better secure the administration of the financial affairs of such county by vesting in the chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund, and other funds, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide personal civil liability for any department head or other official in charge who violates such prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to provide that the county commission shall have authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to regulate the office of central purchasing agent and to provide penalties for violations to set the effective date of this act and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carter, Coburn, Cooper, Cross, Falkenburg, Folmar, Ford, Gafford,

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Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—69

And the bill:

H. 1014. Relating to Etowah County, to authorize the Etowah County Commission, to impose an additional privilege or excise tax upon the sale, use or consumption of malt or brewed beverages within such counties; providing for the administration of the Act and the collection and distribution of proceeds of the tax.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Boles, Brindley, Campbell, Carter, Clark, Coburn, Cooper, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Hopping, Johnstone, Jolly, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Teague, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—65

And the bill:

H. 1015. To prescribe duties and powers of the stenographic secretaries of the District Attorney of the Sixteenth Judicial Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carter, Cooper, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Hopping, Johnstone, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Rich, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—66

And the bill:

H. 1016. Relating to Etowah County; authorizing the Etowah County Commission to impose a privilege or license tax upon the sale, distribution, storage, use or other consumption of cigarettes in said

county; providing for enforcement and collection of the tax, and making provisions for the distribution of the proceeds.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Boles, Brindley, Carter, Cooper, Cross, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Hopping, Johnstone, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCulley, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Plaster, Reed, Rich, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—61

And the bill:

H. 1048. Relating to the management of the public records of Lauderdale County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Lauderdale County, and for payment of the cost incurred in the purchase of photographic or microphotographic equipment; to authorize the photographing or microphotographing of old documents and records presently held as public records of Lauderdale County; to authorize the destruction of old documents not otherwise stored with the State Department of Archives and History.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Biddle, Boles, Brindley, Campbell, Cooper, Cross, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Hopping, Howard, Johnstone, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—65

And the bill:

H. 1049. To amend Act No. 30, H. 69, Acts of Alabama, Regular Session 1953, approved May 28, 1953, relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County and providing that such roads and bridges shall be constructed, maintained, and repaired by the State Highway Department, by amending Sections 1, 2, and 5 thereof; providing that the county governing body shall have and exercise the power to set up projects within the county and to further determine the location of new roads and bridges within the county which may be established as an addition to or change in the existing county road system; providing that the State Highway Department shall cause its Lauderdale County Engineer, or Assistant

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Engineer, to personally meet with county governing body of Lauderdale County on a quarterly basis and make an up-to-date status report on the progress of the work of the State Highway Department relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County; and further providing that the State Highway Department shall prepare and file with the governing body of Lauderdale County on a quarterly basis each year a quarterly financial report relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County by the State Highway Department under the provisions of this Act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carter, Cooper, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Hopping, Johnstone, Killian, Kinsey, LeFlore, Lewis, Lutz, McCulley, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Plaster, Rich, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Warren, White, Williams and Wyatt.

—55

And the bill:

H. 1050. Relating to Lauderdale County; providing an expense allowance for the County Coroner.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carter, Cooper, Cross, Drake, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Hopping, Howard, Johnstone, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Plaster, Reed, Roberts, Sandusky, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, Warren, Whatley, Williams and Wyatt.

—57

And the bill:

H. 1051. Relating to Lauderdale County; providing for a monthly expense allowance for County Commissioners of Lauderdale County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carter, Coburn, Drake, Edwards, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Hopping, Howard, Johnstone, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz,

McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore, (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Teague, Turnham, Venable, Warren, Whatley, Williams and Wyatt.

—63

And the bill:

H. 1052. Relating to Lauderdale County; setting the compensation and expense allowance of certain officials.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Boles, Brindley, Campbell, Carter, Cross, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Hopping, Howard, Johnstone, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Plaster, Quarles, Reed, Roberts, Sandusky, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, Warren, Williams and Wyatt.

—61

And the bill:

H. 1053. Amending Section 1 of Act No. 791, H. 923, Regular Session (Acts 1969, p. 1421), relating to the sheriff's department of Lauderdale County, so as to remove the maximum number of deputies that can be hired and removing the compensation limits of the deputies, secretaries and jailers.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carter, Cooper, Cross, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Hopping, Howard, Johnstone, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, Weeks, Whatley, White, Williams and Wyatt.

—67

And the bill:

H. 1054. Relating to Lauderdale County; authorizing the county commission to establish budgetary limits for the cost of operating all departments of county government and to fix and enforce policies, rules and regulations respecting holidays, vacations and sick leave for all county employees.

Was taken up.

Mr. Hill offered the following amendment to the bill:

Amend H. 1054 by deleting after the word commission on Page 1, lines 15 and 16 of Section 1 the following:

"and may be held liable for any expenditures in excess of such limits."

and substituting in lieu thereof the following:

"A department head will have to obtain consent from the commission before he is allowed to exceed his budget."

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Carter, Coburn, Cooper, Drake, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Hopping, Howard, Johnstone, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lutz, McCulley, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, Warren, Weeks, Whatley and Wyatt.

—62

And the bill, H. 1054 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carter, Coburn, Cooper, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Johnstone, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lutz, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Plaster, Reed, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, Warren, Weeks, Whatley and Wyatt.

—63

And the bill:

H. 1055. Relating to Lauderdale County; authorizing the county commission to provide parking facilities near the county courthouse and to regulate parking on county property around the courthouse; providing penalties for violations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carter, Coburn, Cooper, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Johnstone, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lutz, McCluskey, McCulley, Malone, Manley, Martin, Merrill, Mitchem,

Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—66

And the bill:

H. 1056. To authorize the Lauderdale County Board of Education to set and establish sick leave and annual leave, and rules pertaining thereto for employees other than teachers so that said employees may, at the discretion of said County Board, participate in leave allowances the same as is provided teachers.

Was taken up.

Mr. Greer offered the following substitute to the bill:

A BILL
TO BE ENTITLED
AN ACT

To authorize the Lauderdale County Board of Education to set and establish sick leave and annual leave, and rules pertaining thereto for employees other than teachers so that said employees may, at the discretion of said County Board, participate in leave allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. The Lauderdale County Board of Education is hereby authorized to establish such rules and regulations pertaining to sick leave and annual leave for employees, other than teachers, of the Board of Education in said County so that such employees shall enjoy leave allowances.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Coburn, Cooper, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Johnstone, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Quarles, Reed, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—67

REGULAR SESSION
14th Day

1065

And the bill:

H. 1056. To authorize the Lauderdale County Board of Education to set and establish sick leave and annual leave, and rules pertaining thereto for employees other than teachers so that said employees may, at the discretion of said County Board, participate in leave allowances.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Brindley, Coburn, Cooper, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Johnstone, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, Malone, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

—66

And the bill:

H. 1057. Relating to Lauderdale County; providing for an expense allowance for members of the Lauderdale County Board of Education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Boles, Brindley, Campbell, Coburn, Cooper, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Johnstone, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—67

MOTION TO ADJOURN LOST

The motion offered by Mr. Holmes that the House adjourn until 10:00 o'clock a. m., Thursday, July 17, 1975, was lost.

Yeas 9; Nays 71.

Yeas:

Messrs.: Coburn, Goodwin, Hines, Holmes, Hopping, Jackson (R), Manley, Morris and Smith (J).

—9

Nays:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Cates, Clark, Cross, Dial, Drake, Edwards,

Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Holley, Howard, Johnson, Kelley, Kennedy, Killian, Lee, LeFlore, Leonard, Lewis, McCluskey, McCulley, McNair, McNees, Malone, Martin, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Taylor, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—71

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama
Gentlemen and Lady:

I herewith transmit to you a Message from the Governor concerning House Bill Number 96 and containing a suggested Executive Amendment.

RESPECTFULLY SUBMITTED,

HENRY B. STEAGALL,
Executive Secretary.

DONE THIS 15 DAY OF JULY, 1975.

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 96 without my signature and approval and with the following suggested Executive Amendment.

I suggest that Section 4 be stricken in its entirety and the following be submitted in lieu thereof:

"Section 4. Notwithstanding any of the other provisions of this Act, nothing herein contained shall be construed to permit the purchase, possession or consumption of alcoholic or spirituous liquors, beverages, beer, or wine, by persons under the age of twenty-one years. Nothing in this Act shall be construed to repeal any provision of Act 335, H. 281, Third Special Session 1971 (Acts 1971, p. 4622.). All other laws or parts of laws in conflict herewith are hereby repealed."

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this bill.

RESPECTFULLY,

GEORGE C. WALLACE,
Governor.

MOTION TO NON-CONCUR

Mr. Merrill offered the motion that the House non-concur in the amendment proposed by His Excellency, the Governor, to the bill, H. 96, said amendment being set out in the above and foregoing Message from the Governor.

MOTION TO TABLE LOST

The motion offered by Mr. Lutz to table the motion offered by Mr. Merrill, was lost.

Yeas 40; Nays 56.

Yeas:

Messrs.: Andrews, Baker, Barron, Boles, Brindley, Carter, Cates, Cross, Crowe, Dial, Drake, Edwards, Gafford, Greer, Hall, Higginbotham, Holley, Killian, LeFlore, Lutz, McCulley, McNees, Malone, Martin, Moore (W), Morris, Owens, Pegues, Quarles, Roberts, Smith (C), Smith (M), Sparks, Taylor, Trammell, Turnham, Venable, Waggoner, Warren and White.

—40

Nays:

Mr. Speaker, Albright, Armstrong, Biddle, Burgess, Campbell, Clark, Coburn, Cooper, Falkenburg, Folmar, Ford, Goodwin, Gregg, Harris, Harrison, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McNair, Manley, Merrill, Mitchem, Moore (O), Naramore, Plaster, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Sonnier, Starkey, Teague, Weeks, Whatley, Williams and Wyatt.

—56

MOTION TO NON-CONCUR ADOPTED

The question was then on the motion offered by Mr. Merrill that the House non-concur in the amendment proposed by His Excellency, the Governor, to the bill, H. 96, and the motion was adopted.

Yeas 53; Nays 44.

Yeas:

Mr. Speaker, Armstrong, Biddle, Burgess, Campbell, Clark, Coburn, Cooper, Crowe, Falkenburg, Folmar, Ford, Goodwin, Gregg, Harris, Harrison, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Kinsey, Lee, LeFlore, Leonard, Lockett, McNair, Manley, Merrill, Mitchem, Moore (O), Naramore, Plaster, Rich, Riddick, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Sonnier, Starkey, Teague, Weeks, Whatley, Williams and Wyatt.

—53

Nays:

Messrs.: Albright, Andrews, Baker, Barron, Boles, Brindley, Callahan, Carter, Cates, Cross, Dial, Drake, Edwards, Gafford, Glass, Greer, Hall, Higginbotham, Holley, Kelley, Killian, Lewis, Lutz, McCulley, McNees, Malone, Martin, Moore (W), Morris, Owens, Pegues, Quarles, Roberts, Robertson, Smith (C), Smith (M), Sparks, Taylor, Trammell, Turnham, Venable, Waggoner, Warren and White.

—44

The House proceeded to reconsider the bill:

H. 96. To provide that any person in this state at the arrival at the age of nineteen years shall be relieved of their disabilities of minority.

Mr. Merrill moved passage of the bill, H. 96, the Governor's objection to the contrary notwithstanding, and the motion was adopted.

Yeas 67; Nays 27.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Burgess, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Cross, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Gregg, Harris, Harrison, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, McCluskey, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Sonnier, Starkey, Teague, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—67

Nays:

Messrs.: Albright, Andrews, Barron, Crowe, Drake, Glass, Greer, Hall, Holley, LeFlore, Lewis, Lockett, Lutz, McCulley, McNeas, Malone, Morris, Pegues, Quarles, Smith (C), Smith (M), Sparks, Taylor, Trammell, Turnham, Waggoner and White.

—27

And the bill, H. 96, was again read at length and passed, the Governor's objection to the contrary notwithstanding.

Yeas 73; Nays 21.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Cross, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, McCluskey, McCulley, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Sonnier, Starkey, Teague, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—73

Nays:

Messrs.: Albright, Andrews, Barron, Crowe, Drake, Glass, Holley, Lewis, Lockett, Lutz, Malone, Morris, Pegues, Quarles, Smith (C), Smith (M), Sparks, Taylor, Trammell, Turnham and White.

—21

Which was a majority of the whole number elected to the House.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Rich, the rules were suspended in order to bring up out of order the bill, H. 716.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Campbell, Cates, Clark, Coburn, Cooper, Dial,

Drake, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McNair, McNeese, Martin, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—71

And the bill:

H. 716. (With Substitute): To amend Code of Alabama 1940, Title 52, Section 158, which relates to the authority of a city board of education, so as to allow the county board of education to continue to operate an area vocational school in territory annexed to a city and to provide that certain children residing within such area, so annexed, may continue to go to the vocational school.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Education, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Code of Alabama 1940, Title 52, Section 158, which relates to the authority of a city board of education, so as to allow the county board of education to continue to operate an area vocational school in territory annexed to a city and to provide that certain children residing within such area, so annexed, may continue to go to the vocational school.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 52, Section 158 is hereby amended to read as follows:

"Section 158. The city board of education is hereby vested with all the powers necessary or proper for the administration and management of the free public schools within such city and adjacent territory to the city which has been annexed as a part of the school district which includes a city having a city board of education. However, a city board of education may not take over the operation of an area vocational school located within its city limits if such school is being operated by the county board of education with a majority of the students attending such school residing within the territory under the jurisdiction of the county board of education. Children residing in territory served by the area vocational school at the time of or prior to the time a city system may take over a high school within its territory, shall continue to be served by the area vocational school."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Campbell, Clark, Coburn, Cooper, Dial, Drake, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNeas, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

And the bill, H. 716 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Campbell, Cates, Clark, Coburn, Cooper, Cross, Dial, Drake, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McNair, McNeas, Manley, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Teague, Turnham, Venable, Waggoner, Warrar, Weeks, White, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—80

Nay: Mr. McCluskey.

—1

H. 287 RE-REFERRED

On motion of Mr. McCulley to re-refer, the bill, H. 287, was re-referred from the Standing Committee on Ways and Means to the Standing Committee on Local Government.

H. 288 RE-REFERRED

On motion of Mr. McCulley to re-refer, the bill, H. 288, was re-referred from the Standing Committee on Ways and Means to the Standing Committee on Local Government.

MOTION TO ADJOURN

Mr. McCulley offered the motion that the House adjourn until 10:00 o'clock a. m., Thursday, July 17, 1975.

SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. Gafford that the House adjourn until 12:00 o'clock noon, Thursday, July 17, 1975, was lost.

ADJOURNMENT

The question was then on the motion offered by Mr. McCulley that the House adjourn until 10:00 o'clock a. m., Thursday, July 17, 1975, and the motion was adopted.

15th Day

FIFTEENTH DAY

House of Representatives

Montgomery, Alabama

Thursday, July 17, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Leroy Priest, Pastor, Sampey Memorial Baptist Church, Ramer, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, and Wyatt.

—105

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourteenth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the fourteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourteenth legislative day was approved.

NOTICE IN WRITING

Mr. Coburn filed the following Notice in Writing:

Having voted with the prevailing side by which H. B. 1059 was referred, I now move to reconsider the vote by which said motion was taken.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 40

as amended by the Senate substitute, and ordered same returned to the House with a favorable report, said Senate substitute being as follows:

H. J. R. 40. CREATING THE LONG-RANGE HIGHWAY DEVELOPMENT STUDY COMMITTEE.

WHEREAS the Governor of the State of Alabama in recognition of the fact that a long-range program of highway development in Alabama is vital to industrial and agricultural growth and to the future of well-being of the people of Alabama; and

WHEREAS the Governor desires that this highway system be adequate to meet the expanding needs of Alabama citizens, and the cost of highway construction, maintenance and administration to support such an adequate highway system be derived from a soundness of scope, efficient performance, and fiscal responsibility in both policy and planning; and

WHEREAS the State Highway Department, working under authorization of the Governor and, in concert with the Alabama Citizens for Transportation (ACT)—a voluntary state-wide citizens group—and research teams from Auburn University's School of Engineering and University of Alabama's School of Business and Commerce have, during the past 18 months spent more than 6,000 man-hours in a study of Alabama's long-range highway needs as related to—(1) commuter benefits (direct savings to Alabama's working men and women and traveling to job from home and return), (2) industrial growth, (3) recreation, (4) tourism, (5) safety and (6) ecology; and

WHEREAS findings from such study having been forwarded to Governor George C. Wallace recommending the enactment of a long-range highway plan based on the aforementioned criteria which will establish continuity to highway construction, thereby enabling the Alabama State Highway Department to operate at maximum efficiency, thus saving Alabama taxpayers millions of dollars; and

WHEREAS the enactment of a long-range highway program will indicate to Alabama taxpayers exactly what their dollars are buying, and therefore, enhance public confidence in a responsible and tangible expenditure of public funds; and

WHEREAS the aforementioned study is the most detailed and comprehensive evaluation of Alabama's future highway ever undertaken and this evaluation and its subsequent implementation will be of immeasurable benefit to all Alabamians and encourage the judicious expenditure of taxpayer's dollars for a highway system that will meet Alabama's needs for the next twenty years; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a Legislative Study Committee which shall be composed of fourteen members, seven each to be appointed by the Speaker of the House and the President of the Senate from each of the seven congressional districts, and who shall choose their chairman and vice-chairman at their first meeting, shall be formed to examine all aspects of the aforementioned study and work in close concert with the Alabama Highway Department, the leaders of Alabama Citizens for Transportation (ACT) and other interested Alabamians. The committee shall hold public hearings if deemed appropriate and shall make diligent inquiry and a full examination of Alabama's long-term future highway needs and they shall file their reports of their findings and recommendations to the Alabama Legislature not later than the 24th legislative day of the 1975 Regular Session.

REGULAR SESSION
15th Day

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Upon the request of the chairman the secretary of the Senate and the clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee when the Legislature is not in session or when the Legislature is in recess without pay. Such sums shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

JOHN W. PEMBERTON,
Clerk.

And the substitute was adopted.

And the resolution, H. J. R. 40 as amended, was adopted.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Morris:

H. R. 143. WHEREAS, members of the Alabama House of Representatives and the Alabama Senate take this opportunity to commend Russell Corporation of Alexander City for enabling members of these two legislative bodies to have personalized T-shirts manufactured by that company and

WHEREAS, the members of the Alabama House of Representatives and Alabama Senate wore these T-shirts while participating in a benefit softball game at Paterson Field in Montgomery, Alabama, on the night of Wednesday, July 16, 1975, and

WHEREAS, the general public attending this legislative softball game, honoring the Montgomery Rebels Baseball team, was able to identify each House and Senate member by their chamber and district number imprinted on the T-shirt,

THEREFORE, BE IT RESOLVED by the House of Representatives, that members of these two legislative bodies express their sincere appreciation to Russell Corporation for its outstanding support in the efforts of the Alabama Legislature to bring about a better feeling of goodwill among the people of this great State of Alabama.

On motion of Mr. Morris, the rules were suspended and the resolution, H. R. 143, was adopted.

Also:

By Messrs. Crowe and McCorquodale:

H. R. 144. INVITING THE MEMBERS OF THE FAMOUS MATHEWS FAMILY FROM GROVE HILL, ALABAMA TO BE GUESTS OF THE ALABAMA HOUSE OF REPRESENTATIVES ON JULY 24, 1975.

WHEREAS the members of the Mathews family of Grove Hill, Alabama have contributed much to their city, county and state throughout the years; and

WHEREAS the legislature would like very much to have Dr. David Mathews, his father, Mr. F. L. Mathews, and his grandfather, Mr. Dave Mathews to be their guests on July 24, 1975; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That they do invite Mr. David Mathews, Mr. F. L. Mathews and Mr. Dave Mathews to be the guests of the Alabama House of Representatives on July 24, 1975.

BE IT FURTHER RESOLVED, That the Clerk of the House is hereby instructed to deliver copies of this invitation to these distinguished gentlemen.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. R. 144, was adopted.

Also:

By Messrs. Riddick, Lutz and Smith (B):

H. J. R. 145. WHEREAS the benefits of community-operated radio broadcasting have never been available to Alabama citizens while such are accessible to residents of forty-four other states; and

WHEREAS at the request of 34,000 persons in North Alabama, the Huntsville-Madison County Public Library Board and Director Elbert L. Watson, strongly supported by Madison County Commission Chairman James Record, undertook in 1972 to make such public radio broadcasting services available; and

WHEREAS the Federal Communications Commission on July 2, 1975, did issue to this Library Board the first Construction Permit for such a public broadcasting station within Alabama; and

WHEREAS the Department of Health, Education and Welfare did simultaneously award to the Library funds to construct such broadcasting station; and

WHEREAS Public Radio Station WPLH-FM will be operated by the Huntsville Library on 89.3 mghz, at 100,000 watts, to serve unmet needs of 3,000,000 persons in Alabama, Tennessee, and Mississippi; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this Legislature does congratulate the Huntsville-Madison County Public Library upon obtaining such FCC permit and construction award, and commend the Library Board and Director for their recognition of the public library's obligation to provide needed information through whatever communication means are available in today's world.

BE IT FURTHER RESOLVED That this Legislature does commend the efforts of the Huntsville-Madison County Library Board and Director, as well as other public libraries throughout this State, for their efforts to meet the informational needs of Alabama citizens.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the Library Board and Director and the Madison County Commission Chairman.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 145, on the Clerk's desk for one legislative day.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Gafford, the rules were suspended in order to substitute on the Calendar, the bill, H. 16, in the place of the bill, H. 899, and the bill, H. 899, in the place of the bill, H. 16.

BILLS ON SECOND READING

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1209. To propose an amendment to the Constitution of Alabama requiring that all revenues received by the State after September 30, 1976 (with certain specified exceptions) be immediately paid into the State Treasury for credit to the general fund of the State, prohibiting the Legislature from passing, after September 30, 1976, any law allocating or earmarking any State revenues for any special purpose or to or for the benefit of any particular agencies (with certain specified exceptions) and specifying that State authorities and public corporations may continue to issue, in pursuance of law, bonds and other securities that are not general obligations of the State and that are payable solely out of certain specified State revenues, and that such bonds and other securities shall not constitute debts of the State within the meaning of the Constitution.

The above bill was read a second time at length as required by the Constitution.

H. 1073. To authorize each municipality in this State to acquire, finance, establish, own, use, operate, manage and control parks, playgrounds, and recreational or athletic areas situated wholly or in part outside of its corporate limits; to provide the conditions upon which a park, playground, or recreational or athletic area may be used or established within the corporate limits or police jurisdiction of another municipality or within a county other than that of that in which the municipality establishing the same shall be situated; to provide that all authority heretofore and hereafter granted to municipalities with respect to parks, playgrounds, and recreational or athletic areas within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground, or recreational or athletic area located wholly or in part outside of its corporate limits; to provide that a municipality may join and cooperate with one or more other municipalities in acquiring, financing, refinancing, providing, establishing, installing, using, and managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities and in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof and that all such municipalities shall jointly have the same powers and authorities conferred by the Act upon each; to provide that neither the Act nor anything therein contained shall be construed as a restriction or limitation upon any power which a municipality might otherwise have under any laws of the State and that the Act shall be construed as cumulative of any such powers; to declare conflicting laws inapplicable; to declare that the provisions of this Act are severable; and to provide the effective date of this Act.

H. 959. To amend Section 8 of Act No. 764, H. 673, 1969 Regular Session [Acts 1969, p. 1357; now appearing in Code of Alabama Re-compiled 1958, Title 8, Section 231(42)] entitled "An Act To create a State Forestry Commission; to provide for the appointment of the commission members and to specify their authority and duties; to provide for the appointment of a state forester and assistant state forester and to specify their authority and duties; to provide for the transfer of all monies, records, and physical properties, both real and personal, of the Forestry Division of the Department of Conservation to the Alabama

Forestry Commission; to provide for the staff and personnel of the Forestry Commission; to provide for the jurisdiction and the authority for the commission over the state forests and other lands; to provide for the compensation and expenses of the commission members and the state forester and assistant state forester; to provide the rule-making power of the commission; to provide for a fund to be known as the Alabama Forestry Commission Fund; and repeal all laws or parts of laws in conflict with the provisions of this Act," relative to the location of the main offices of the Alabama Forestry Commission.

H. 961. To authorize the establishment of a purchasing system to serve the State Forestry Commission.

H. 964. To authorize certain rural fire fighting units to purchase equipment through the State Forestry Commission.

H. 638. An act relating to the development of small businesses; declaring the legislative intent to encourage state purchases from small businesses; requiring the Alabama Development office to assist small businesses and to otherwise coordinate activities relating thereto; providing that a meaningful percentage of state purchases and contracts be procured from small businesses; providing for interagency cooperation; providing for public hearings; requiring an annual report; authorizing appointment of an advisory council; providing an effective date.

H. 177. To further amend Section 429, Title 51, Code of Alabama 1940, as amended, to eliminate restrictions against levy and assessment of excise or license taxes by municipalities and counties.

H. 497. To amend further Section 1 of Act No. 43, S. 34, Second Special Session 1956 (Acts 1956, p. 336 now appearing in Code of Alabama, Recompiled 1958, Title 14, Section 175), as amended, so as to prohibit a person from having a pistol on his person without a proper permit.

H. 564. To provide for a system of uniformity of motor vehicle color combination, badges and uniforms for the sheriffs and deputy sheriffs of the various counties within the state; simulation prohibited; providing for penalties.

H. 662. To transfer the LaGrange Historical Site owned by the LaGrange Historical Commission of the State of Alabama to the Alabama Historical Commission.

H. 836. To restrict the powers of the ABC Board in regard to outdoor or billboard advertising of beer or alcoholic beverages.

H. 690. To provide that any rule or regulation of any state department to the contrary notwithstanding, hose nozzle valves used at a self-service service station pump may be of the automatic closing type with a latch-open device if the valve closes automatically from the back pressure of the fuel level in the tank or container into which the fuel is dispensed.

H. 848. To amend Code of Alabama, 1940, Title 30, Sections 5 and 38, both of which relate to the excusing of persons called for jury duty, so as to authorize the excusing of persons from such jury duty by the court administrator in those counties in which the office of court administrator exists.

H. 849. To amend Code of Alabama, 1940, Title 30, Section 3, which provides exemptions from jury duty, so as to eliminate many of such exemptions.

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H. 902. To name the new student union building at Livingston University "The George C. Wallace Union Building."

H. 903. To amend Sections 1 and 8 of Act No. 999, H. 288 Regular Session 1969 (Acts 1969, p. 1855-1866, now appearing in Code of Alabama Recompiled 1958, Title 55, Section 475, (37-56), as last amended; to provide further for the Alabama Peace Officers Annuity and Benefits Fund; to redefine certain words and terms; to revise eligibility requirements and retirement benefits.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 924. (With Amendment): Relating to public health; prohibiting smoking in certain public areas and prescribing penalties for violation of this act.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 943. Relating to motor vehicle dealers; providing for the licensing of motor vehicle dealers, reconditioners, or rebuilders, and the wholesalers, providing for qualifications and fees; prescribing information to be included in application; requiring certain records to be kept; providing a penalty; providing for suspension or revocation of license; requiring a bond or evidence of net worth; providing for severability; providing an effective date.

H. 954. To amend Title 8, S. 179, Code of Alabama 1940, relating to the Monument of Fort Louis de la Mobile so as to place said monument under the jurisdiction and care of the Alabama Historical Commission.

H. 1022. To amend Section 1 of Act No. 471, S. 189, Regular Session 1969, (Acts of 1969, p. 914; now appearing in Code of Alabama, 1940, Recompiled 1958, Title 55, Section 531, entitled "An Act To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles, to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool"; so as to place certain limitations on the size of such vehicles to be purchased for use by any employee, official or officer of the state except certain law enforcement personnel and constitutional officers.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the

following bill and ordered same returned to the House with a favorable report, with substitute and it was read a second time and placed on the Calendar, to-wit:

H. 556. (With Substitute): To amend Section 6, as amended, and Section 7 of Act No. 27, S. 30, Regular Session 1949 [Acts 1949, p. 39-42 now appearing in Code of Alabama, Recompiled 1958, Title 55, Sections 133 (1) and 140 (1) [entitled "An Act To prescribe further regulations governing the publication of the acts and journals of the Legislature; imposing additional duties upon the Secretary of the Senate, the Clerk of the House, and Legislative Reference Service, and prescribing penalties for neglect of duty; superseding Sections 125, 126, 127, 129, 130, 131, 133, 134, 140, 141, 142, 143, and 144 of Title 55 of the Code of Alabama (1940)" so as to change certain procedures relating to the printing, publication and distribution of the acts and journals of the legislature and to repeal conflicting statutes.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 483. To require all state, county and municipal law enforcement officers, of this state when making an arrest for a traffic law violation to use a standard traffic citation form; such form shall be the form prescribed by the Director of the Department of Public Safety or any form which the Director of Public Safety thereafter adopts.

H. 1008. To amend Section 2 of the Child Care Act of 1971 (Acts of 1971, p. 4423, now appearing in Code of Alabama, Recompiled 1958, Title 49, Section 84 (2)), so as to exempt churches and religious societies.

Mr. Malone, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 922. To provide a State Collective Bargaining Law for employees of the State and any political subdivision thereof and for employees in non-profit institutions financially aided from public funds; making an appropriation out of the general fund to carry out the provisions of this Act.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1193. To exempt county hospital boards now or hereafter organized under the provisions of Act No. 46 adopted at the 1949 Regular Session of the Alabama Legislature, as amended, from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940.

H. 1194. To amend Section 7 of Act No. 775 enacted at the 1951 Regular Session of the Legislature of Alabama which section provides for the issuance of revenue bonds by a board of water and sewer commissioners, by changing the rate of interest that such bonds may bear.

H. 1195. To exempt gas districts now or hereafter organized under the provisions of Act No. 762 adopted at the 1951 Regular Session of the Alabama Legislature, as amended, from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940.

H. 948. To further amend the Code of Alabama 1940, Title 5, Section 81, which relates to legally required reserves of banks within the state, so as to add penalties for the violation thereof.

H. 949. To authorize the Superintendent of Banks to expand the banking powers of Alabama banks or the powers of Alabama savings and loan associations or the powers of Alabama credit unions; to provide that any such additional powers shall not in the case of banks authorize activities which are not properly incident to the business of banking, and in the case of savings and loan associations or credit unions that such additional powers shall not authorize them to offer financial services now prohibited to them; to provide that no bank, savings and loan association and no credit union having their principal place of business outside of Alabama may engage in any such activities in Alabama unless the Superintendent of Banks and the appropriate regulatory authority outside of Alabama have entered agreements authorizing Alabama and non-Alabama institutions to exercise in Alabama and in such other jurisdiction reciprocal rights; to authorize the Superintendent of Banks to issue appropriate regulations; and to require Alabama banks, Alabama savings and loan associations, Alabama credit unions and any similar foreign entity to secure prior written permission of the Superintendent of Banks before exercising such additional powers in Alabama; to provide that the provisions of this Act are cumulative and severable; and to provide for an effective date.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 53. (With Amendment): To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to local government and home rule; amending and superseding specifically Sections 38, 39, 40, 41, 89, 220 and 228 and Amendments No. 81, 132, 140, 142, 144 and 184 of the Constitution of Alabama of 1901, as amended; and repealing and superseding all other conflicting provisions of said constitution and amendments thereto, providing for a two year delay in the effective date of the proposed amendment.

The above bill was read a second time at length as required by the Constitution.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 516. To further amend Section 745, Title 37, Code of Alabama 1940, as amended, so as to include telephone companies and to thereby authorize municipalities to levy an increased privilege or license tax on persons engaged in the telephone business; to authorize such levy not to exceed 3% of the gross receipts of such telephone company from all the intrastate business done by such telephone company within the

limits of the municipality; to repeal Section 744, Title 37, Code of Alabama 1940, as amended; to provide a severability clause; to provide for an effective date.

H. 858. To provide for supplementing the salaries or compensation paid to retired or supernumerary circuit judges in the Thirty-First Judicial Circuit.

H. 1097. To amend Title 37, Section 138, Code of Alabama, 1940, which relates to the means of extending the city limits of cities having a population of 25,000 or more so as to make the provisions of Article 2, Chapter 5, Title 37, apply to all cities and towns.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1047. Relating to Lauderdale County; to further amend Sections 1, 2, 3, 4, 7, 8 and 10 of Act No. 296 adopted by the 1949 Regular Session of the Legislature of the State of Alabama approved July 28, 1949 (Acts of Alabama of 1949, pp. 426 to 433), as amended by Act No. 470 adopted by the 1959 Regular Session of the Legislature of Alabama, approved November 13, 1959 (Acts of Alabama of 1959, Vol. 2, pp. 1165-1170), relating to privilege or license taxes or excise taxes in Lauderdale County (outside the corporate limits of the City of Florence) and in the City of Florence, Lauderdale County; levying in such county (outside the city limits of Florence) and in such municipality additional privilege license and excise taxes paralleling the state sales and use taxes provided for in Act No. 100, Second Special Session 1959 (Acts 1959, p. 298), as amended, and in Articles 11, 11A and 11B, Title 51, Code of Alabama, 1940, as amended; providing that the taxes levied in Sections 1 and 3 of this Act shall be subject to all of the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Act No. 100, adopted by the 1959 Second Special Session of the Legislature of Alabama, approved August 18, 1959, as amended, except where inapplicable or where herein otherwise provided; providing that the taxes levied in Sections 2 and 4 of this Act shall be subject to all of the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Articles 11, 11A and 11B of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, except where inapplicable or where herein otherwise provided; providing for the alternative collection of such taxes and the enforcement and administration of the Act by the State Department of Revenue if authorized and directed by the governing body of Lauderdale County; and further providing a procedure by which the governing body of Lauderdale County may discontinue availing itself of the alternative collection of such taxes and the enforcement of the Act by the State Department of Revenue after election to invoke such alternative collection and enforcement procedures has been made.

H. 1099. To apply in all counties having populations of not less than 55,500 nor more than 56,000, according to the most recent Federal decennial census, regulating the compensation of election officers.

H. 1128. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

H. 1159. To alter or rearrange the boundary lines of the City of Geneva, Geneva County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Geneva County, Alabama.

H. 1198. To amend Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), entitled "An Act Relating to Choctaw County; to provide for the appointment of the County Superintendent of Education; to prescribe the qualifications, duties, term of office, and compensation of such offices; and to repeal all conflicting laws" relative to the compensation of the Superintendent of Education; and to repeal Section 5 of said Act No. 2312.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 886. (With Amendments): Relating to the commitment of mentally ill persons to the custody of the State Department of Mental Health; prescribing the procedures for the involuntary commitment of mentally ill persons, prescribing the duties and responsibilities of all persons and departments concerned with the commitment of mentally ill persons; providing for the rights of persons sought to be committed as mentally ill; providing for the payment of costs of proceedings for the commitment of mentally ill persons; providing for appeal to circuit court by persons committed as mentally ill; prescribing the jurisdiction of the probate court in regard to persons committed as mentally ill; providing for the transfer of mentally ill persons to facilities operated by the United States; and repealing conflicting laws.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 887. Relating to hospitalization of mentally ill persons; defining terms; providing for specified civil, legal and treatment rights of patients; prescribing the duties and responsibilities of persons and agencies concerned with the admission and treatment of mentally ill persons; prescribing the quality of care and treatment of patients; and repealing conflicting laws.

H. 888. Relating to Mental Health, entering the Interstate Compact on Mental Health, providing for proper and expeditious treatment of the mentally ill and mentally deficient by cooperative action with other party states, without regard to the residence or citizenship of the patient.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and it was read a second time and placed on the Calendar, to-wit:

H. 531. (With Substitute): To further provide for the authority of police officers appointed pursuant to the provisions of Section 500 of Title 52 of the Code of Alabama of 1940, as amended, and Act No. 1125, adopted at the 1969 Regular Session of the Legislature of Alabama.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 479. To provide that it shall be a criminal offense for anyone to obstruct justice by hindering or interfering with a law enforcement officer while he is performing his lawful duties; to provide for penalty; and to provide effective date.

H. 454. To amend Act No. 253, Special Session 1966 which exempts from civil liability certain persons who render emergency care at the scene of an accident, casualty or disaster.

H. 136. Providing that it is unlawful for any person falsely to hold himself out to be a state, city, county or federal law enforcement officer, criminal justice officer or peace officer. Providing that it shall be lawful for private security guards, watchmen and private investigators to wear or possess a distinctive uniform in the performance of their duties provided they may be identified as such by their uniform. Providing for penalties for violations.

H. 1091. To amend further Title 9, Section 63, Code of Alabama 1940, so as to establish the interest rate which money judgments and decrees shall bear, and to repeal all conflicting statutes.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1094. (With Amendment): To provide guidelines for the assessment of damages in actions for wrongful death.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 692. To further amend the Code of Alabama 1940, Title 7, Section 625, relating to the Homestead exemption from levy and sale under execution or other process for the collection of debts, so as to raise the amount of such exemption from \$2,000 to \$6,000.00

RESOLUTIONS

The following resolutions were introduced:

By Mr. Roberts:

H. J. R. 146. CONGRATULATING THE KEY CLUB ON THEIR 50th ANNIVERSARY.

WHEREAS the Key Club is celebrating its 50th anniversary; and

WHEREAS the Key Club began in Pasadena, California in 1925 under the supervision of the Kiwanis Club; and

WHEREAS the Key Club is a dedicated boys high school organization serving the needs of its community and school; and

WHEREAS the year's theme is 50 years of caring-only the beginning; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this Legislature Congratulates the Key Club on its 50th Anniversary.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the State President of the Key Club.

On motion of Mr. Roberts, the rules were suspended and the resolution, H. J. R. 146, was adopted.

Also:

By Mr. Manley:

H. J. R. 147. PRINTING AND BINDING OF ACTS FOR 1975.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the acts of the House of Representatives and the Senate for the Organizational Session of 1975, the First Special Session of 1975, the Second Special Session of 1975, and the Third Special Session of 1975 be reserved and printed and bound with the acts of the House of Representatives and Senate for the Regular Session of 1975.

On motion of Mr. Manley, the rules were suspended and the resolution, H. J. R. 147, was adopted.

Also:

By Mr. Morris:

H. R. 148. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That any opinion to the contrary, notwithstanding, it is and shall be the policy of the Alabama House of Representatives, that the provisions of Act No. 1056, Regular Session 1973, shall be applicable to any and all person or persons being paid from any source of public funds and their conduct shall be governed accordingly.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Morris to suspend the rules in order to take up for immediate consideration, the resolution, H. R. 148, was lost.

And the resolution, H. R. 148, was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 40. CREATING THE LONG-RANGE HIGHWAY DEVELOPMENT STUDY COMMITTEE.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a

quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 915 RE-REFERRED

On motion of Mr. Owens to re-refer, the Speaker re-referred the bill, H. 915, from the Standing Committee on State Administration to the Standing Committee on Local Legislation No. 1.

RESOLUTION

The following resolution was introduced:

By Mr. Smith (C):

H. R. 149. PROVIDING THE HOUSE WILL CONVENE AT 12:00 NOON ON TUESDAYS AND 10:00 A.M. ON THURSDAYS.

WHEREAS There is great need for the House to convene at 12:00 noon on Tuesdays and 10:00 A.M. on Thursdays; now therefore

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That the time of meeting is hereby established at 12:00 noon on Tuesdays and 10:00 A.M. on Thursdays for the remainder of the 1975 Regular Session.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Smith (C) to suspend the rules in order to take up for immediate consideration the resolution, H. R. 149, was lost.

And the resolution, H. R. 149, was read and referred to the Standing Committee on Rules.

NOTICE IN WRITING

Mr. Manley filed the following Notice in Writing:

In accordance with the rules of the House, on the next legislative day a motion will be made to amend House Rule 11 so as to require that the Synopsis include a statement of the source of the funding if funding is involved in the bill.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Rich:

H. J. R. 150. CONGRATULATING MISS JOSEPHINE BOOKER UPON HER RETIREMENT.

WHEREAS, Miss Josephine Booker has served Etowah County and the State of Alabama for forty-one years by her work in the public schools, and

WHEREAS, 37 of those 41 years were spent at Glencoe, 16 years as principal of Glencoe Elementary, and

WHEREAS, Miss Booker had to work her way through Alabama College, now known as the University of Montevallo, where she graduated in 1938 and graduate work at the University of Alabama and Jacksonville State University, exemplifying the American Spirit, and

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WHEREAS, The entire state, Etowah County, and the Glencoe Community is indebted to Miss Booker for the leadership, guidance, teaching and training she has provided thousands of Alabama students, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and express our gratitude for a job well done upon her retirement.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 150, on the Clerk's desk for one legislative day.

Also:

By Mr. Moore (O):

H. J. R. 151. CONGRATULATING MRS. JESSIE RYAN.

WHEREAS Mrs. Jessie Ryan recently retired as counselor at Leeds High School; and

WHEREAS Mrs. Ryan has touched the lives of most of the families of Leeds through her career as elementary teacher, high school instructor and counselor; and

WHEREAS Mrs. Jessie Ryan has been active in civic organizations in Leeds including the Leeds Welfare Agency, Leeds Beautification Board, Business and Professional Women, and the Order of Eastern Star; and

WHEREAS Mrs. Ryan has taught Sunday School at Leeds First Baptist Church for more than forty-five years, served as church clerk and has been president of the Women's Missionary Union;

WHEREAS Mrs. Ryan's youthful outlook, vivacity and warm personality have endeared her to all who have been fortunate enough to be her friend; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this Legislature does congratulate Mrs. Jessie Ryan upon her retirement and does commend her for her many years of activities and services to the people of Leeds.

BE IT FURTHER RESOLVED, That this Legislature does wish for her a long and continued life of happiness in her retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Jessie Ryan.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 151, on the Clerk's desk for one legislative day.

Also:

By Mr. Andrews:

H. J. R. 152. COMMENDING WAYNE JONES, PASTOR OF THE EASTSIDE BAPTIST CHURCH.

WHEREAS, the Reverend Wayne Jones has faithfully served the congregation of Eastside Baptist Church; and

WHEREAS, the Reverend Wayne Jones has devoted his life to serve man and God; and

WHEREAS, the Reverend Wayne Jones is a saintly man and a leader of God's flock; and

WHEREAS, the Reverend Wayne Jones not only serves the needs of his congregation, but performs a vital service to his community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Reverend Wayne Jones of Eastside Baptist Church on his services to God and man and do wish him many more years of such wonderful and faithful service.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Reverend Wayne Jones.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 152, on the Clerk's desk for one legislative day.

Also:

By Mr. Andrews:

H. J. R. 153. COMMENDING JACK LE GRAND, PASTOR OF THE GLEN IRIS BAPTIST CHURCH.

WHEREAS, The Reverend Jack LeGrand has faithfully served the congregation of Glen Iris Baptist Church; and

WHEREAS, the Reverend Jack LeGrand has devoted his life to serve man and God; and

WHEREAS, the Reverend Jack LeGrand is a saintly man and a leader of God's flock; and

WHEREAS, the Reverend Jack LeGrand not only serves the needs of his congregation, but performs a vital service to his community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Reverend Jack LeGrand of Glen Iris Baptist Church on his services to God and man and do wish him many more years of such wonderful and faithful service.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Reverend Jack LeGrand.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 153, on the Clerk's desk for one legislative day.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Shelton to suspend the rules in order to bring up for immediate consideration the bill, H. 517, was lost, lacking a four-fifths vote.

Yeas 40; Nays 13.

Yeas:

Messrs.: Armstrong, Baker, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Dial, Edwards, Folmar, Goodwin, Hall, Harris, Harrison, Hill, Hilliard, Hines, Jackson R., Jolly, Killian, Lockett, Lutz, McCulley,

McNees, Martin, Merrill, Morris, Pegues, Plaster, Porter, Robertson, Shelton, Taylor, Venable, Warren, Weeks, Whatley, White and Williams.

—40

Nays:

Messrs.: Barron, Higginbotham, Hopping, Kennedy, Lewis, McCluskey, McMillan, Naramore, Riddick, Smith (B), Smith (M), Teague and Wyatt.

—13

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Lee, Sandusky, Smith (J), Hall, LeFlore, Martin, Sparks, Brindley, Cates, Moore (O) and Goodwin:

H. 1217. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, to be numbered Article XI thereof, relating to public officers; to supersede the following provisions of the Constitution of Alabama of 1901, as amended: Sections 60, 96, 104 (24), 130, 279, 280 and 281 and Amendments No. 2, 4, 26A, 28, 43, 44, 46, 47, 48, 50, 62, 64, 85, 88, 92, 103, 127, 134, 135, 136, 137, 138, 139, 185, 196, 215, 229, 231, 246, 241, 249, 265, 290, 297, 306, 321 and 326; and to repeal all conflicting provisions of said constitution and amendments thereto.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Martin, Sparks, Brindley, Leonard, Goodwin, Moore (O), Cates, Smith (J), Sandusky, Lee, Hall, LeFlore, Venable, Holmes and Barron:

H. 1218. To propose and provide for the submission of a constitutional amendment reaffirming the Preamble to the Constitution of Alabama and to revise Article I thereof, which Article asserts the Declaration of Rights; and for the repeal of Article I of the Constitution of Alabama of 1901, as amended.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Moore (O), Goodwin, Cates, Smith (B), Leonard, Brindley, Sparks, Venable, LeFlore, Hall, Lee, Sandusky, Smith (J), and Holmes:

H. 1219. To propose and provide for the submission of an amendment to the Constitution of Alabama.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. LeFlore, Smith (J), Sandusky, Lee, Hall, Venable, Martin, Sparks, Brindley, Moore (O), Leonard, Cates, Goodwin and Holmes:

H. 1220. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to suffrage and elections; repealing and superseding Article VIII of the Constitution of Alabama of 1901, as amended, and Amendments No. 41, 207 and 223, and all other conflicting provisions of said constitution.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Cates, Goodwin, Smith (J), Sandusky, Lee, Hall, LeFlore, Venable, Martin, Sparks and Brindley:

H. 1221. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the mode of amending the Constitution; to repeal, supersede and renumber Article XVIII and Amendment No. 24 of said Constitution and all other conflicting provisions thereof.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Leonard, Brindley, Sparks, Martin, Venable, LeFlore, Hall, Lee, Sandusky, Smith (J), Goodwin, Cates and Hilliard:

H. 1222. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, with respect to miscellaneous provisions pertaining to eminent domain, protection of environment and homestead exemptions; to repeal and supersede Sections 205, 206, 207, 208, and 235 of said constitution, as amended, and all other conflicting provisions thereof.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Hall, Lee, Sandusky, Moore (O), Goodwin, LeFlore, Venable, Martin, Sparks, Brindley, Leonard and Holmes:

H. 1223. To propose and provide for the submission of an amendment to the Constitution of Alabama relating to representation, the procedure for legislative reapportionment and congressional redistricting; repealing and superseding Sections 50, 197, 198, 199, 200, 201, 202 and 203 of the Constitution of Alabama of 1901, as amended, and all other conflicting provisions thereof.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Brindley, Sparks, Leonard, Moore (O), Smith (B), Goodwin, Sandusky, Smith (J), Lee, Hall, LeFlore, Venable and Martin:

H. 1224. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to public education in this state; repealing specifically Sections 257, 258, 259, 260, 261, 262, 263, 265, 266, 267, 268 and 270 of said Constitution and

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repealing and superseding Article XIV and Amendments No. 111, 161 and 284 and all other conflicting provisions thereof.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Venable, Martin, Sparks, Brindley, Leonard, LeFlore, Hall, Sandusky, Goodwin, Smith (J), Lee, Moore (O) and Holmes:

H. 1225. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to impeachments; to repeal and supersede Article VII and all other conflicting provisions of said constitution, as amended.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Sandusky, Smith (J), Lee, Hall, LeFlore, Martin, Sparks, Brindley, Leonard, Goodwin, Moore (O) and Cates:

H. 1226. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to taxation and debt limitation; superseding and renumbering the provisions of the present Article XI and certain other provisions of said constitution and amendments thereto relating to taxation and debt limitation; validating and ratifying all actions taken and bonds heretofore issued pursuant thereto; superseding specifically Sections 91, 93, 94, 211 through 219, inclusive, and 221 through 226, inclusive, 269 and the following amendments to said constitution: Amendments No. 23, 25, 56, 61, 93, 107, 108, 126, 194, 208, 212, 225, 228, 268, 272, and 325; and repealing all conflicting provisions of said constitution and conflicting amendments thereto.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Harrison, Hilliard, Holmes, Merrill, Cooper, Johnstone, LeFlore, Glass, Crowe, Howard, Owens, Rich, Drake, Sparks, Johnson, Carter, Hines, Leonard, Jackson (R), Gafford, Hopping, Hall, Boles, White, Moore (O), Trammell, Falkenburg, Waggoner, Reed, Kennedy, Lewis, Andrews and Jolly:

H. 1227. Relating to the price marking of consumer commodities; requiring certain retail sellers to mark clearly on the label of each unit of certain consumer commodities the price of the commodity in Arabic numbers; defining terms; providing exceptions; and prescribing penalties for any violations.

Commerce and Transportation.

By Mr. Biddle:

H. 1228. To provide for an increase in the fee to be charged when a transfer and/or a duplicate boat registration certificate is issued.

Conservation.

By Mr. Sparks:

H. 1229. Relating to all counties in the State of Alabama having a population of not less than 52,000 nor more than 52,500 according to the most recent federal decennial census; relieving the clerk and register

of the circuit court of all such counties of the duty of subscribing for, taking, filing, causing to be bound, and kept in their respective offices, copies of daily and weekly newspapers published in the county.

Local Legislation No. 1.

By Messrs. Sasser and Folmar:

H. 1230. To name the bridge across the Pea River on County Road 77 between Pike and Barbour Counties the Samuel Kirke Adams Bridge.

State Administration.

By Messrs. Hall, Andrews and Boles:

H. 1231. Relating to sales and use taxes; to exempt the Alabama Sight Conservation Association from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Messrs. Hall, Andrews and Boles:

H. 1232. To provide that any mortician, undertaker, embalmer, or funeral director, who is duly licensed may, after satisfactory ophtalmologic training, be issued a license to enucleate donor eyes; to authorize the state board of embalmers to establish certain standards and regulations to effect the provisions hereof; and to require that any such licensee comply with the application provisions of the "Alabama Uniform Anatomical Gift Act".

Health.

By Mr. Hall:

H. 1233. To amend Section 555, Title 52 of Code of Alabama 1940, relating to physical education, so as to include health education.

Education.

By Messrs. Carter and Moore (W):

H. 1234. To require every county in the state of Alabama having a population of not less than 39,500 nor greater than 41,500 to provide a civil service merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system.

Local Legislation No. 1.

By Messrs. Glass, Malone, Cooper, McCulley, Sonnier, Sandusky, Callahan, Johnstone and LeFlore:

H. 1235. To amend Section 1 of Act No. 1852, H. 2568, Regular Session 1971 (Acts 1971, p. 3009) relating to counties having populations of not less than 300,000 nor more than 600,000 providing for the relief of Nollie Thompson.

Local Legislation No. 3.

By Mr. Merrill:

H. 1236. To make an appropriation from the general fund in the state treasury to be used by the Alabama Code revision committee named in the State of Alabama contract with Michie's and Bobbs-Merrill Co. for the purposes of the contract, revising, digesting and codifying the statutes of the state of a general and permanent nature, and otherwise implementing the adoption and publication of a new code.

Ways and Means.

By Messrs. Merrill, Shelton and Burgess (With Notice and Proof):

H. 1237. To amend further Section 5 of Act No. 592, S. 456, Regular Session 1953, as amended, an act providing a civil service system for the City of Anniston (Acts 1953, Vol. II, p. 838), in relation to the manner of appointing the members of the civil service board and to their qualifications.

Local Legislation No. 1.

Notice and Proof H. 1237:

STATE OF ALABAMA
COUNTY OF CALHOUN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend further Section 5 of Act No. 592, S. 456, Regular Session 1953, as amended, an act providing a civil service system for the City of Anniston (Acts 1953, Vol. II, p. 838), in relation to the manner of appointing the members of the civil service board and to their qualifications.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 592, S. 456, Regular Session 1953, an act providing a civil service system for the City of Anniston (Acts 1953, Vol. II, p. 838), as heretofore amended, is amended further to read as follows:

Section 5. There shall be the Civil Service Board of the City of Anniston, which shall be composed of three members. The members currently serving when this amendment becomes law shall serve out the terms for which they, respectively, have been theretofore appointed. Their successors, each, shall be appointed for terms of six years by the senator and the representative representing the City of Anniston in the Alabama Legislature. No person shall be appointed to the board who is not a resident and qualified elector of the City of Anniston and over the age of twenty-one years. No member of the board shall hold any office of profit under the city. If any person actively solicits a position on the Civil Service Board, that shall disqualify him from being appointed. Members of the board shall take the constitutional oath of office, which shall be filed in the office of the probate judge. Vacancies on the board shall be filled, within thirty days after the vacancy occurs, for the unexpired term by the senator and the representative representing the City of Anniston in the Alabama Legislature in the same manner as original appointments. The members of the board shall elect a chairman and secretary from among their number. Any member of the board who becomes a candidate for or is elected to another public office vacates his office as a member of the board, and the mayor or other chief executive officer of the City of Anniston shall forthwith notify the senator and the representative, representing the City of Anniston in the Alabama Legislature, who shall fill the vacancy as provided in this section."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CALHOUN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Phillip Sanguinetti, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was President of the The Anniston Star, a newspaper of general circulation published in Calhoun County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 21, June 23, June 30, and July 7, all in the year 1975.

Phillip Sanguinetti.

Sworn to and subscribed before me July 11, 1975.

LOLA J. BRIGHT,
Notary Public.

By Messrs. Hilliard, Reed, Jackson (R), Tucker, Hill, Holmes, Crowe, Cooper, Leonard, Porter, Harrison, McNair, LeFlore, Gafford, Armstrong, Lutz, Coburn and Naramore:

H. 1238. To provide further for the parole of infirm, aged and handicapped prisoners in the state penal system.

Public Welfare.

By Mr. Jackson (R):

H. 1239. To establish a Citizen Police Review Board in any city having a population of 300,000 or more according to the most recent federal decennial census; specifically empowering said board to administer and take disciplinary action against any police officer of said city and repealing laws and parts of laws in conflict herewith.

Local Legislation No. 2.

By Messrs. White, Burgess, Moore (O), Morris, Gafford, Owens, Quarles, LeFlore, Boles, Crowe, Jolly, Jackson (R), Hopping, Lee, Trammell, Andrews, Harrison, Biddle, Waggoner, Greer, Sparks, Taylor, Weeks, Rich, Mitchem, Kelley, Cross, Roberts, Moore (W), Smith (B), Clark, McNair, Hall, Johnstone, Robertson, Armstrong, Hilliard, Drake, Malone, Cooper, Kennedy, Sonnier, Kinsey, Lockett, Campbell, Holmes, Barron, Leonard, Pegues, Shelton, Hill, Riddick, Gregg, Folmar, Callahan, Reed, Sandusky, Crawford, Howard, Lewis, McCulley, Harris and Dial:

H. 1240. To provide sales and use tax exemptions for certain drugs and medicines purchased by prescription.

Ways and Means.

By Messrs. Porter and Harrison:

H. 1241. To amend Section 1 of Act No. 225, H. 313, Regular Session 1943 (Acts 1943, p. 226, as amended and as also appearing as Title 29, Section 71 (1)) of the Code of Alabama, Recompiled 1958, which act relates to the disposition of profits of the Alabama Alcoholic Beverage Control liquor stores, so as to provide that a certain percentage of such profits shall be paid to the state mental health department for alcoholism treatment.

Ways and Means.

By Mr. Kennedy (With Notice and Proof):

H. 1242. To change the governing body of Mobile County from the present three (3) member commission form to a five (5) member commission form with the members to be elected from separate districts and to repeal conflicting laws.

Local Legislation No. 3.

Notice and Proof H. 1242:

STATE OF ALABAMA
COUNTY OF MOBILE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To change the governing body of Mobile County from the present three (3) member commission form to a five (5) member commission form with the members to be elected from separate districts and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Mobile County shall consist of five (5) members, who shall be elected from separate house districts, as follows:

a. County Commission District 1 shall include that part of Mobile County that is included in House Districts 95 and 96 and all of House District 97.

b. County Commission District 2 shall include all of House Districts 98 and 99.

c. County Commission District 3 shall include all of House Districts 100 and 101.

d. County Commission District 4 shall include all of House Districts 102 and 103.

e. County Commission District 5 shall include all of House Districts 104 and 105.

f. The winning candidate who receives the greatest number of votes shall be designated the chairman of the county commission of Mobile County.

Section 2. The commissioners as provided for in Section 1 of this Act shall take office on the first Monday after the second Tuesday in January, 1977. The present three (3) member commission shall remain as the governing body of Mobile County until the First Monday after the second Tuesday in January, 1977. The members of the new five (5) member commission shall be elected at the general election in 1976 and every four (4) years thereafter. Each member shall be a bona fide resident of the district which he represents and shall have been a bona fide resident of the district for at least one (1) year prior to taking office.

Section 3. All laws or parts of laws which conflict with this Act are repealed. The provisions of Act No. 181, H. 117, Regular Session

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1957 (Acts 1957, 233) as amended, which conflict with the provisions of this act are superseded by this act.

Section 4. The provisions of this Act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MOBILE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Linda Woods, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was office manager of the Mobile Beacon, a newspaper of general circulation published in Mobile County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 6-14-75, 6-21-75, 6-28-75, and 7-5-75, all in the year 1975.

Linda Woods.

Sworn to and subscribed before me July 5, 1975.

LANCIE M. THOMAS,
Notary Public.

By Mr. Kennedy (With Notice and Proof):

H. 1243. Relating to Mobile County; providing for the reapportionment of the Mobile County Board of School Commissioners to consist of five members elected from the House districts or portions thereof which are located within the boundaries of Mobile County; providing for election and length of term for the new commissioners.

Local Legislation No. 3.

Notice and Proof H. 1243:

STATE OF ALABAMA
COUNTY OF MOBILE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Mobile County; providing for the reapportionment of the Mobile County Board of School Commissioners to consist of five members elected from the House districts or portions thereof which are located within the boundaries of Mobile County; providing for election and length of term for the new commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. The Mobile County Board of School Commissioners shall consist of five members, who shall be elected by the qualified electors

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of the county. They shall be persons of good moral character, with at least a fair elementary education, of good standing in their respective communities, and known for their honesty, business ability, public spirit and interest in the good of public education.

Section 2. The five members shall be elected from districts made up of House districts or portions thereof located within Mobile County, as follows: The member from school commissioner district 1 to be elected from House district 97 and those parts of 95 and 96 which lie within Mobile County; school commissioner district 2 from House districts 98 and 99; school commissioner district 3 from House districts 100 and 101; school commissioner district 4 from House districts 102 and 103; and school commissioner district 5 from House districts 104 and 105.

Section 3. It shall be a prerequisite to candidacy that prospective members reside in the district which they represent for at least one year prior to taking office.

Section 4. Members for places 1, 2 and 3 shall be elected at the general election of November, 1976 and shall take office on the first Tuesday in January, 1977, at which time the former Board of School Commissioners shall be abolished.

Section 5. Places 4 and 5 shall be elected in the general election of 1978, and the commissioners so elected shall take office the first Tuesday in January, 1979, as members of the new board herein created.

Section 6. Members of the present board whose terms expire in 1979 shall serve out their terms as members of the new board.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. The provisions of this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MOBILE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Linda Woods, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was office manager of the Mobile Beacon, a newspaper of general circulation published in Mobile County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 6-14-75, 6-21-75, 6-28-75, and 7-5-75, all in the year 1975.

Linda Woods.

Sworn to and subscribed before me July 5, 1975.

LANCIE M. THOMAS,
Notary Public.

By Mr. Robertson:

H. 1244. Providing for qualified electors registering to vote, voting in municipal elections and running for municipal office.

Constitution and Elections.

By Mr. Dial:

H. 1245. Amending further Section 1 of Act No. 121, H. 22, Special Session 1971 (Acts 1971, p. 204), as amended, fixing the fee for pistol permits in counties having a population of not less than 12,000 nor more than 12,800 so as to provide for the distribution of fees collected by issuance of such permits.

Local Legislation No. 1.

By Mr. Dial:

H. 1246. Relating to counties having a population of not less than 12,000, nor greater than 12,800, according to the latest Federal decennial census; allowing the clerk of the county court to destroy county court warrants, with the exception of unexecuted arrest warrants, after two years from the date of service of said warrant.

Local Legislation No. 1.

By Mr. Cates:

H. 1247. Relating to all counties having a population not less than 22,000 nor greater than 22,500; providing that jurors' compensation in such counties shall be \$12 per day and 10¢ per mile.

Local Legislation No. 1.

By Mr. Cates:

H. 1248. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Butler County.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Naramore, Sonnier, Carothers, Burgess, Kelley and Biddle:

H. 1249. To authorize the Public Service Commission to employ additional inspectors; to enforce Alabama laws relative to safety and sanitation on railroads and particularly the provisions of Code of Alabama 1940, Title 48, Section 110; to prescribe their qualifications and duties; to provide for their compensation; and to prescribe penalties.

Commerce and Transportation.

By Mr. Venable:

H. 1250. To amend Sections 10, 14 and 16 of Act No. 576, Acts of Alabama, 1959 Regular Session, as amended, pertaining to the cost of obtaining registration certificates, duplicate certificates and transfer certificates for vessels operated on the waters of this state, and to provide for the disposition of the proceeds from the increases in those costs as prescribed herein.

Conservation.

By Mr. LeFlore:

H. 1251. To amend further Section 2 of Act No. 217, S. 23, of the 1967 Special Session of the Legislature of Alabama (Acts 1967, p. 259), as amended, which relates to competitive bidding; so as to exempt from the provisions of said act Local Housing Authorities organized and existing under Title 25 of the Code of Alabama 1940, as amended, who have contracts with the Federal Government for financial as-

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sistance, which contracts provide for the procurement of supplies and services and the disposition of surplus property.

State Administration.

By Mr. Campbell (With Notice and Proof):

H. 1252. Authorizing the county commission of Choctaw County to pay the sheriff of Choctaw County a monthly expense allowance of two hundred fifty dollars (\$250.00).

Local Legislation No. 1.

Notice and Proof H. 1252:

NOTICE

**STATE OF ALABAMA
COUNTY OF CHOCTAW**

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Authorizing the county commission of Choctaw County to pay the sheriff of Choctaw County a monthly expense allowance of two hundred fifty dollars (\$250.00).

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Choctaw County is authorized to pay from the county general fund to the sheriff of Choctaw County, the sum of two hundred fifty dollars (\$250.00) per month as an expense allowance. Such allowance shall be in addition to any and all other compensation and allowances presently or hereinafter provided by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**THE STATE OF ALABAMA
CHOCTAW COUNTY**

I, James M. Windham, Editor and General Manager of The Choctaw Advocate, a newspaper published at Butler, Choctaw County, Alabama, do hereby certify that a copy of the Attached Bill to be Act as per clipping hereto attached, was published in the regular and entire issue of said newspaper, and not any supplement thereof, for 4 consecutive weeks commencing with the issue date June 5, 1975, and ending with the issue date June 26, 1975. I further certify that I have the right and authority to make this affidavit.

JAMES M. WINDHAM.

Sworn and subscribed to before me this, the 15 day of July, 1975.

NELL F. EZELL.

Commission Expires 7-17-78.

By Messrs. Crowe and Naramore (With Notice and Proof):

H. 1253. Relating to Walker County; amending Act No. 598, H. 1640, Regular Session 1973 (Acts 1973, p. 858), which act creates the office of Assistant District Attorney for the Fourteenth Judicial Circuit, so as to provide further for the compensation of such assistant.

Local Legislation No. 1.

Notice and Proof H. 1253:

NOTICE

STATE OF ALABAMA
COUNTY OF WALKER

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Walker County; amending Act. No. 598, H. 1640, Regular Session 1973 (Acts 1973, p. 858), which act creates the office of Assistant District Attorney for the Fourteenth Judicial Circuit, so as to provide further for the compensation of such assistant.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of the Act No. 598, H. 1640, Regular Session 1973 (Acts 1973, p. 858) is hereby amended to read as follows:

Section 2. The Assistant District Attorney for the Fourteenth Judicial Circuit shall be appointed by the District Attorney of said circuit and shall serve at the discretion of the District Attorney. The Assistant District Attorney shall receive an annual salary of not less than \$12,500 nor more than \$18,500, as total compensation for all duties, the exact amount to be determined by the District Attorney of said judicial circuit. The said salary shall be paid from the general funds of Walker County in equal bi-monthly installments, \$7,200 of which shall be paid from state funds in the same manner as other salaries are paid.

"The incumbent county solicitor shall continue in office. Upon appointment of the Assistant District Attorney, the County Solicitor shall continue in said office.

A. Said District Attorney's office shall be maintained in the Walker County Courthouse and said county shall provide office space, supplies, etc.

B. Additional personnel for the office of the District Attorney shall be added to provide for the necessary clerical help for the operation of this office."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF WALKER

Before me, the undersigned authority in and for said County in said State, this day personally appeared H. S. Prince, Jr., who, being by me

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first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Daily Mountain Eagle, a newspaper of general circulation published in Walker County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 27, July 4, July 11, and July 14, all in the year 1975.

H. S. PRINCE, JR.,
Publisher.

Sworn to and subscribed before me July 14, 1975.

VIRGINIA STOVER,
Notary Public.

By Messrs. Crowe and Naramore (With Notice and Proof):

H. 1254. Relating to Walker County; to abolish the office of Solicitor of the County Court of Walker County and transfer all duties of said office to the district attorney's office of said county, providing also that the salary heretofore payable to the solicitor of the County Court of Walker County shall hereafter be transferred to the district attorney's office of the Fourteenth Judicial Circuit to be used for the salary of the assistant district attorney.

Local Legislation No. 1.

Notice and Proof H. 1254:

NOTICE

STATE OF ALABAMA
COUNTY OF WALKER

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Walker County; to abolish the office of Solicitor of the County Court of Walker County and transfer all duties of said office to the district attorney's office of said county, providing also that the salary heretofore payable to the solicitor of the County Court of Walker County shall hereafter be transferred to the district attorney's office of the Fourteenth Judicial Circuit to be used for the salary of the assistant district attorney.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of Solicitor of the County Court of Walker County, established by Act No. 213, H. 643, Regular Session 1959 (Acts of 1959, p. 751), is hereby abolished and all the rights, powers and duties of said abolished office shall be transferred to the office of the District Attorney of the Fourteenth Judicial Circuit. Any compensation heretofore payable to the said solicitor shall hereafter be received by the office of the District Attorney of said county and may be used by said office for the payment of the salary of the assistant district attorney.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF WALKER

Before me, the undersigned authority in and for said County in said State, this day personally appeared H. S. Prince, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Daily Mountain Eagle, a newspaper of general circulation published in Walker County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 27, July 4, July 11, and July 14, all in the year 1975.

H. S. PRINCE, JR.,
Publisher.

Sworn to and subscribed before me July 14, 1975.

VIRGINIA STOVER,
Notary Public.

By Mrs. Quarles:

H. 1255. Providing a white cane law for Alabama, including provisions to ensure full and equal accommodations to the blind and otherwise disabled, the right to be accompanied by a guide dog, penalties for failure on the part of a driver to take necessary precautions to avoid injuring blind pedestrians; penalties for denial or interference with admittance of blind or otherwise disabled persons to public facilities or for otherwise interfering with the rights of such persons; setting forth a state employment policy towards the blind; and providing that blind and otherwise disabled persons shall be entitled to equal access to housing accommodations offered for rent, lease, or compensation in this state.

State Administration.

By Messrs. Johnstone, McCulley, Jackson (R), Hines, Sonnier, Kennedy, Williams, Baker, Smith (M), Owens, Drake, Greer, Ford, Boles, Brindley, Cates, Hall, Reed, LeFlore, Whatley, Hill, Falkenburg, Harris, Johnson, Biddle, Robertson, Quarles, Jolly, Hopping, Killian, McNees, Smith (B), Kelley, Pegues, Mitchem, McNair, Wyatt, Smith (C), Turnham, Holmes, Leonard, Lutz, Sparks, Clark, Carter, Moore (W), Naramore, Cross, Roberts, Martin, Starkey, Weeks, Goodwin, Gafford, White, Moore (O), Trammell, Porter, Howard, Plaster, Barron, Malone, Lewis, Kinsey, McMillan, Carothers, Smith (J), Crawford, Venable, Merrill, Dial and Cooper:

H. 1256. To provide for legislative findings, purpose, and intent, to provide for definitions to provide for authority in the Water Improvement Commission to act in preventing and controlling oil and hazardous materials spills; to authorize the Commission to provide employees and equipment in ports and other places; to provide for recovery of costs in controlling and cleaning pollution; to provide for licenses for terminal facilities, and for fees and exceptions; to create the Alabama Hazardous Materials Control Fund; to provide for strict liability; to provide for

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criminal and civil penalties; to provide for cooperation and coordination of all State agencies; to authorize the Commission to require by rules and regulations that terminal facilities and vessels establish and maintain evidence of financial responsibility to reimburse the State and private citizens for damages caused by discharges of oil and hazardous materials; to provide for repeal of inconsistent laws, severability, and an effective date.

Conservation.

By Messrs. Riddick and Smith (B):

H. 1257. To make an appropriation to the Alabama Semi-Pro Baseball Team, winning the State Championship for 1975, for the purpose of paying the expenses of such team to attend the National Baseball Congress' Semi-Pro 1975 Tournament to be held in Wichita, Kansas.

Ways and Means.

By Messrs. Smith (J), Lee, Sandusky, Moore (O), Hall, LeFlore, Martin, Sparks, Brindley, Leonard, Goodwin and Venable:

H. 1258. To propose and provide for the submission of an amendment to the Constitution of Alabama which revises the entire Constitution of Alabama of 1901, as amended, with the exception of Article VI which has heretofore been adopted.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

RESOLUTIONS

The following resolutions introduced on the fourteenth legislative day were read by title pursuant to Joint Rule 11:

S. J. R. 50. COMMENDING FORREST DAVID MATHEWS FOR HIS OUTSTANDING SERVICE TO THE UNIVERSITY OF ALABAMA AND CONGRATULATING HIM UPON HIS APPOINTMENT AS SECRETARY OF HEALTH, EDUCATION AND WELFARE.

S. J. R. 41. COMMENDING THE LADY VOLUNTEERS AT JOHN JONES ELEMENTARY SCHOOL, RAINBOW CITY, FOR THEIR WORK ON THE SAFETY PATROL.

S. J. R. 43. COMMENDING DR. REDDOCK E. WILLIAMS.

S. J. R. 44. COMMENDING FLORALA MEMORIAL HOSPITAL.

S. J. R. 45. COMMENDING MR. NEAL HART.

S. J. R. 46. COMMENDING MISS JACQUELYN MASSEY.

S. J. R. 47. CONGRATULATING GEORGE CHESTNUT.

On motion of Mr. Morris, the resolutions were adopted en masse.

BILLS ON THIRD READING

And the bill:

H. 920. To provide for additional expense allowances for certain public officials in Washington County.

Having been postponed on the fourteenth legislative day, was taken up.

H. 920 POSTPONED

On motion of Mr. McCulley, the bill, H. 920, was postponed to the sixteenth legislative day.

And the bill:

H. 751. To authorize and empower the director of the Madison County License Department to charge and collect a fee of \$1.00 for the performance of duties relative to the recording of the transfer of ownership of motor vehicles as prescribed in Title 51, Section 706, Code of Alabama 1940, as last amended; to provide that all fees so collected shall be the property of the county and shall be paid into the general fund of the county; to repeal conflicting laws.

Having been postponed on the fourteenth legislative day, was taken up.

H. 751 POSTPONED

On motion of Mr. Lutz, the bill, H. 751, was postponed to the sixteenth legislative day.

And the bill:

H. 1058. To authorize the city of Florence to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Folmar, Gafford, Goodwin, Greer, Harris, Higginbotham, Hill, Hopping, Howard, Johnson, Jolly, Kelley, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Riddick, Roberts, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

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And the bill:

H. 1096. Relating to all counties having a population not less than 16,000 nor more than 16,250 according to the latest federal decennial census; providing that the county commission of all such counties may appropriate and pay monies to that county's school for exceptional children.

Was taken up.

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H. 1096 INDEFINITELY POSTPONED

On motion of Mr. McCulley, the bill, H. 1096, was indefinitely postponed.

And the bill:

H. 1127. To authorize the county commission or other like governing body of Geneva County to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hopping, Howard, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Taylor, Turnham, Venable, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 1149. Relating to Geneva County; to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Brindley, Burgess, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hopping, Howard, Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (J), Smith (M), Starkey, Taylor, Trammell, Turnham, Venable, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 1152. To amend Act No. 707, H. 1354, 1973 Regular Session, (Acts 1973, p. 1058) entitled "An Act To authorize the governing body of Cullman County to provide for all help and equipment in the offices of the several officers in that county" to include all employees of the sheriff's department and intermediate court except the clerk of said court.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Holley, Hopping, Howard, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Weeks, Whatley, White, Williams and Wyatt.

—68

And the bill:

H. 1116. (With Amendment): To create the positions of and establish a salary range for the positions of stenographic secretary for each of the judges of the 26th judicial circuit.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 1116 on line 25 of page 1 by inserting a comma after the word him and after inserting the symbol, (comma) insert in lieu thereof the words and phrases: with the permission of the county commission and such secretaries shall serve at the pleasure of the county commission.

Also amend H. B. 1116 on line 30 and 31 of page 1 after the word by delete the following words and phrases: the circuit judge of said circuit served by the secretary and insert in lieu thereof the words and phrases: the county commission of the counties in the 26th Judicial Circuit.

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Holley, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Rich, Roberts, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill, H. 1116 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Holley, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Plaster, Rich, Riddick, Roberts, Shelton, Smith (B), Smith (M), Sparks, Starkey, Trammell, Turnham, Warren, Weeks, Whatley, White, Williams and Wyatt.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Sonnier, the rules were suspended in order to bring up out of order the bill, H. 357.

And the bill:

H. 357. To apply only in Mobile County providing for service of witness subpoenas by mail.

Was taken up.

Mr. Sonnier offered the following amendment to the bill:

Amend H. B. 357, Section 1 by adding, immediately after the period on line 15, the following:

"It is specifically provided, however, that, if the party calling a witness expressly requests in writing that the subpoena be delivered to such witness personally by the sheriff or one of his deputies in person, such witness shall be so served."

And the amendment was adopted.

Yeas 71; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Carothers, Clark, Coburn, Cooper, Crawford, Cross, Dial, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Harris, Higginbotham, Hill, Holley, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—71

Nay: Mr. Sandusky.

—1

And the bill, H. 357 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper,

Crawford, Cross, Dial, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Harris, Higginbotham, Hill, Holley, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Porter, Rich, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Hill, the rules were suspended in order to bring up out of order the bill, H. 753.

And the bill:

H. 753. To amend Section 6 of Act No. 48, H. 413, Regular Session 1973 (Acts 1973, p. 76) regulating the employment of all legislative employees so as to provide for the employment of one additional page for each house to be appointed upon recommendation of the Department of Youth Services.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Dial, Edwards, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Hill, Holley, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Morris, the rules were suspended in order to bring up out of order the bill, H. 517.

Yeas 83; Nays 4.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, LeFlore, Leonard, Lockett, Lutz, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—83

Nays: Messrs. Lewis, McCluskey, Riddick and Wyatt.

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And the bill:

H. 517. (With Amendment): To authorize incorporated municipalities, counties, and state agencies to purchase liability insurance to indemnify innocent parties unintentionally injured by state police, sheriff, deputy or local police in the performance of their official duties.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 517 in the title by striking therefrom on lines 19 and 20, the punctuation and words, viz; , counties, and state agencies and inserting in lieu thereof the following words:

and counties

Further amend House Bill 517 in Section 1, on lines 25 and 26 by striking therefrom the punctuation and words, viz; , counties, and state agencies and inserting in lieu thereof the following words:

and counties

AMENDMENT TABLED

On motion of Mr. Shelton, the amendment reported by the Standing Committee on Ways and Means to the bill, H. 517, was tabled.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

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SUBSTITUTE OFFERED

Mr. Shelton offered the following substitute to the bill, H. 517:

A BILL
TO BE ENTITLED
AN ACT

To authorize incorporated municipalities and counties to purchase liability insurance to indemnify innocent parties injured by city or county employees acting in the performance of their official duties.

Be It Enacted by the Legislature of Alabama:

Section 1. Any and all incorporated municipalities and counties are hereby authorized to purchase liability insurance to indemnify innocent parties injured by city or county employees acting in performance of their official duties.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—93

And the bill:

H. 517. To authorize incorporated municipalities and counties to purchase liability insurance to indemnify innocent parties injured by city or county employees acting in the performance of their official duties.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

■ Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Burgess as co-sponsor to the bill, H. 517.

UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

■

H. 251. To amend Section 120 and Section 158 of Act 407, H. B. 198, Regular Session, 1971, (Acts of Alabama, 1971, Volume II, Page

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774), as amended, which regulates the licensing of insurance agents, by limiting the persons to whom licenses may be issued and establishing qualifications required for said persons to be issued a license.

As amended on the thirteenth legislative day, was taken up.

Mr. Owens offered the following amendment No. 2 to the bill, H. 251 as amended:

Amend Section 120, subsection (10) of House Bill 251 on page 3, line 30, by inserting a comma after "1975" and adding the following:

"but the above said date of May 1, 1975 shall have no application to the licensing or qualifications of agents or brokers of credit life, and credit health and accident insurance."

Further amend House Bill 251, Section 158, subsection (9), page 5, line 30, by inserting a comma after "1975" and adding the following:

"but the above said date of May 1, 1975, shall have no application to the licensing or qualifications of agents or brokers of credit life, and credit health and accident insurance."

And the amendment was adopted.

Yeas 69; Nays 2.

Yeas:

Messrs.: Armstrong, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Cross, Dial, Folmar, Ford, Goodwin, Greer, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Martin, Moore (O), Morris, Naramore, Owens, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Turnham, Venable, Warren, Weeks, Williams and Wyatt.

—69

Nays: Messrs. Glass and Shelton.

—2

Mr. Owens offered the following amendment No. 3 to the bill, H. 251 as amended:

Amend House Bill 251 in Section 1, on page 3, subsection (9), on line 19, by striking the word, viz; section and inserting in lieu thereof the following word:

Act

Further amend House Bill 251 in Section 1, on page 3, subsection (10), on line 30, by striking the word, viz; section and inserting in lieu thereof the following word:

Act

Further amend House Bill 251 in Section 2, on page 5, subsection (8), on line 20, by striking the word, viz; section and inserting in lieu thereof the following word:

Act

Further amend House Bill 251 in Section 2, on page 5, subsection (9), on line 30 by striking the word, viz; section and inserting in lieu thereof the following word:

Act

And the amendment was adopted.

Yeas 67; Nays 1.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Coburn, Cross, Crowe, Dial, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Martin, Moore (O), Morris, Naramore, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Turnham, Venable, Warren, Weeks, Williams and Wyatt.

—67

Nay: Mr. Shelton.

—1

And the bill, H. 251 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 18.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Biddle, Burgess, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Cross, Dial, Folmar, Ford, Goodwin, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (R), Johnson, Johnstone, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Martin, Morris, Naramore, Owens, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Turnham, Venable and Williams.

—62

Nays:

Messrs.: Brindley, Crowe, Falkenburg, Gafford, Glass, Greer, Holmes, Jolly, Kelley, Kennedy, Moore (O), Moore (W), Pegues, Shelton, Smith (C), Teague, Warren and Weeks.

—18

RESOLUTION

The following resolution was introduced:

By Mr. Burgess:

H. R. 154. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That the Clerk of the House be directed to request from the Attorney General as to whether or not any member of the House who received campaign contributions from any group would be in violation by voting for legislation proposed by that group, and

BE IT FURTHER RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House be directed to request from the Ethics Commission information regarding same.

REGULAR SESSION
15th Day

1111

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Burgess to suspend the rules in order to take up for immediate consideration the resolution, H. R. 154, was lost.

Yeas 28; Nays 52.

Yeas:

Mr. Speaker, Andrews, Biddle, Burgess, Campbell, Carter, Clark, Coburn, Cooper, Crawford, Dial, Gafford, Goodwin, Greer, Howard, Jolly, Manley, Moore (O), Morris, Plaster, Roberts, Robertson, Sandusky, Shelton, Sonnier, Venable, Waggoner and White.

—28

Nays:

Messrs.: Albright, Armstrong, Baker, Barron, Boles, Brindley, Carothers, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Glass, Hall, Harrison, Hill, Hilliard, Holley, Hopping, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lutz, McMillan, McNeas, Martin, Merrill, Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Sasser, Smith (B), Smith (M), Sparks, Starkey, Taylor, Teague, Tucker, Turnham, Warren, Weeks and Wyatt.

—52

And the resolution, H. R. 154, was read and referred to the Standing Committee on Rules.

MOTION TO RECESS

Mr. Killian offered the motion that the House recess for one hour.

SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. Robertson that the House adjourn until 2:00 o'clock p.m., Tuesday, July 22, 1975, was lost.

Yeas 26; Nays 66.

Yeas:

Messrs.: Callahan, Carter, Coburn, Cross, Crowe, Edwards, Folmar, Goodwin, Hopping, Johnson, Lee, Lewis, McNeas, Malone, Manley, Merrill, Moore (W), Morris, Porter, Quarles, Robertson, Smith (J), Sparks, Starkey, Teague and Williams.

—26

Nays:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Burgess, Campbell, Carothers, Cates, Clark, Cooper, Crawford, Falkenburg, Ford, Gafford, Glass, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Holley, Holmes, Jackson (R), Johnstone, Kelley, Killian, LeFlore, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Martin, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—66

MOTION TO RECESS LOST

The question was then on the motion offered by Mr. Killian that the House recess for one hour, and the motion was lost.

Yeas 17; Nays 73.

Yeas:

Messrs.: Andrews, Barron, Brindley, Campbell, Crowe, Falkenburg, Hill, Jackson (R), Killian, Leonard, Lockett, McNair, McNees, Naramore, Pegues, Warren and Wyatt.

—17

Nays:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Burgess, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Owens, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Whatley, White and Williams.

—73

RESOLUTION

The following resolution was introduced:

By Mr. Holmes:

H. R. 155. COMMENDING JOHN MOORE ON THE FINE JOB HE IS DOING AS READING CLERK OF THE HOUSE.

WHEREAS, John Moore recently took on the difficult position of reading clerk of this House; and

WHEREAS, This fine young man has impressed us all by his courtesy, diligence and efficiency; and

WHEREAS, The fine job he is doing deserves a hearty commendation; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That we congratulate John Moore on his able performance as reading clerk of the House and encourage him to keep up the good work.

On motion of Mr. Holmes, the rules were suspended and the resolution, H. R. 155, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 67. (With Amendment): To amend Title 52, Section 322, to provide for certification of nurses to serve in the position of professional school nurse and to provide that prior to the issuance of such certificate the applicant shall have met all requirements prescribed by the State Board of Nursing for license as a Registered Nurse.

Having been postponed on the eleventh legislative day, was taken up.

REGULAR SESSION
15th Day

1113

The question was then on the adoption of the amendment reported by the Standing Committee on Education, said committee amendment being as follows:

Amend H. B. 67 by striking in line 22 the word certificate, substituting therefor the word license.

Also amend H. B. 67 by striking in line 35 the word certificate and substituting therefor the word license.

AMENDMENT TABLED

On motion of Mr. Kinsey, the amendment reported by the Standing Committee on Education to the bill, H. 67, was tabled.

SUBSTITUTE OFFERED

Mr. Kinsey offered the following substitute to the bill, H. 67:

A BILL
TO BE ENTITLED
AN ACT

To amend Title 52, Section 322, to provide for certification of nurses to serve in the position of professional school nurse and to provide that prior to the issuance of such certificate the applicant shall have met all requirements prescribed by the State Board of Nursing for license as a Registered Nurse.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 52, Section 322, is hereby amended to read as follows:

"Section 322. No person shall be employed in the public schools of the state as county superintendent of education, city superintendent of schools, assistant superintendent, supervisor, principal, teacher, attendance officer, or professional school nurse, unless such person shall hold a certificate issued by the state superintendent of education. A professional school nurse shall also be licensed as a registered nurse by the State Board of Nursing and shall have met all other requirements of the State Department of Education prior to the issuance of the professional school nurse certificate. A professional school nurse as used herein does not include nurses employed by the State Department of Public Health, District Health Department or County Health Departments."

Section 2. This Act does not repeal any of the Public Health Laws nor does it prohibit the State Department of Public Health, District Health Departments or County Health Departments from carrying out the requirements set by the Public Health Laws. All other laws or parts of laws in direct conflict herewith are repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

H. 67 POSTPONED

On motion of Mr. White, the bill, H. 67 with pending substitute, was postponed to the nineteenth legislative day.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Morris, the rules were suspended in order to bring up out of order the bill, H. 453.

And the bill:

H. 453. To amend Section 808, Title 51, 1940 Code of Alabama as last amended so as to redistribute the balance of the tax collected under and pursuant to Section 788, Title 51, Code of Alabama 1940.

Was taken up.

H. 453 INDEFINITELY POSTPONED

On motion of Mr. Morris, the bill, H. 453, was indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Morris, the rules were suspended in order to bring up out of order the bill, H. 455.

And the bill:

H. 455. To amend Section 32 of Act No. 100, H. 94, Second Special Session 1959, (Acts of Alabama 1959, Vol. 1, page 298, pp. 314-315) as amended so as to redistribute the amount of the proceeds of all taxes levied by the Act remaining after the payment of the expenses of administration and enforcement and the replacement in the several funds of the amount lost by any homestead exemptions and the distribution to the counties as therein provided.

Was taken up.

H. 455 INDEFINITELY POSTPONED

On motion of Mr. Callahan, the bill, H. 455, was indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Morris, the rules were suspended in order to bring up out of order the bill, H. 456.

And the bill:

H. 456. To make supplemental appropriations from the State General Fund to the State Health Department, Mental Health Department, Board of Corrections, Highway Department and to the State Docks for the fiscal years ending September 30, 1976 and September 30, 1977.

Was taken up.

H. 456 INDEFINITELY POSTPONED

On motion of Mr. Morris, the bill, H. 456, was indefinitely postponed.

MOTION TO ADJOURN LOST

The motion offered by Mr. Holley that the House adjourn until 1:15 o'clock p.m., Tuesday, July 22, 1975, was lost.

BILLS ON THIRD READING RESUMED

The bill, H. 228, was called, and on motion of Mr. Smith (M), the bill, S. 160, was substituted for the bill, H. 228.

And the bill:

S. 160. To amend Section 1 of Act No. 22, H. 1, Regular Session 1953 (Acts 1953, p. 25), providing for the speed of motor vehicles on the highways of this State so as to give the Governor certain authority to establish a different rate of speed in order to receive federal funds.

Was read a third time at length and passed.

Yeas 91; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—91

Nay: Mr. Leonard.

—1

And the bill:

H. 228. To amend the Code of Alabama 1940, Title 36, Section 5(1), which establishes a state maximum speed limit for motor vehicles on the highways of Alabama, to provide for a maximum speed of 55 miles per hour.

Was taken up.

H. 228 INDEFINITELY POSTPONED

On motion of Mr. Smith (M), the bill, H. 228, was indefinitely postponed.

RESOLUTION

The following resolution was introduced:

By Mr. Lutz:

H. J. R. 156. TO PROVIDE FOR THE EMPLOYMENT OF A TECHNICAL CONSULTANT BY THE SUBCOMMITTEE TO STUDY THE IMPLEMENTATION OF THE NEW JUDICIAL ARTICLE TO THE CONSTITUTION, WHICH WAS ESTABLISHED BY THE JUDICIARY COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the subcommittee appointed by the Judiciary Committee of the House particularly to study the bill relative to the implementation of the Judicial Article to the Constitution is hereby authorized to employ a technical consultant to as-

sist such subcommittee in its study of the said bill, the compensation of such consultant shall be fixed by the subcommittee and shall be paid out of funds heretofore appropriated for the expenses of the House of Representatives.

AMENDMENT OFFERED

Mr. Venable offered the following amendment to the resolution:

At the end of Line 24 remove the period and add:

, provided however that the subcommittee shall not be allowed to expend more than \$2,500.

And the amendment was adopted.

On motion of Mr. Lutz, the rules were suspended and the resolution, H. J. R. 126 as amended, was adopted.

Yeas 76; Nays 6.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Biddle, Boles, Brindley, Burgess, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Cross, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Venable, Weeks, White, Williams and Wyatt.

—76

Nays:

Messrs.: Gregg, Higginbotham, Leonard, McNair, Naramore and Whatley.

—6

MOTION TO ADJOURN LOST

The motion offered by Mr. Owens that the House adjourn until 2:00 o'clock p.m., Tuesday, July 22, 1975, was lost.

Yeas 39; Nays 52.

Yeas:

Mr. Speaker, Biddle, Brindley, Burgess, Carter, Coburn, Crawford, Edwards, Folmar, Ford, Gafford, Goodwin, Harris, Hilliard, Hines, Holley, Hopping, Jolly, Kennedy, Kinsey, Lee, Lewis, McCluskey, McCulley, McNees, Manley, Merrill, Moore (W), Morris, Owens, Pegues, Shelton, Smith (J), Sparks, Starkey, Taylor, Weeks, White and Williams.

—39

Nays:

Messrs.: Albright, Andrews, Armstrong, Barron, Boles, Carothers, Cates, Clark, Cooper, Cross, Falkenburg, Glass, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Holmes, Howard, Johnson, Kelley, Killian, Leonard, Lockett, Lutz, McMillan, McNair, Malone, Mitchem, Moore (O), Naramore, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley and Wyatt.

—52

MOTION TO ADJOURN LOST

The motion offered by Mr. Sasser, that the House adjourn until 1:30 o'clock p.m., Tuesday, July 22, 1975, was lost.

BILLS ON THIRD READING RESUMED

And the bill:

H. 314. To provide for the control and disposal of solid wastes as generated by the general public, businesses, institutions, and industry, and to require counties and municipalities to provide for the collection and disposal of solid wastes and authorize them to charge a fee therefor, and to contract for such services to be performed by others and to permit the formation of districts for areas beyond corporate limits or cooperative joint or mutual agreements between county governments and municipal governments for the operation and implementation of solid wastes management in a manner meeting public health standards, and granting authority for the establishment of rules and regulations to enforce the provisions of this Act, and to provide a penalty for violating this Act and rules and regulations pursuant thereto in the interest of the public health, comfort and safety.

As amended and postponed on the twelfth legislative day, was taken up.

H. 314 POSTPONED

On motion of Mrs. Quarles, the bill, H. 314 as amended, was postponed to the seventeenth legislative day.

And the bill:

H. 69. (With Amendments): To amend Section 149 of Act 407, Acts of Alabama 1971 codified into Section 149, Title 28A, Code of Alabama 1940 (recompiled 1958) by reducing the time required to be run before action can be taken against violators violating the provisions of the Insurance Code pertaining to property and casualty agents.

Was taken up.

H. 69 POSTPONED

On motion of Mr. Owens, the bill, H. 69 with pending amendments, was postponed to the sixteenth legislative day.

And the bill:

H. 70. To provide for the enforcement of rules and regulations promulgated by the Commissioner of Insurance, as provided for in Section 28 of Act 407, Acts of Alabama, 1971, codified into Section 28, Title 28A, Code of Alabama 1940 (recompiled 1958).

Was taken up.

H. 70 POSTPONED

On motion of Mr. Owens, the bill, H. 70, was postponed to the sixteenth legislative day.

And the bill:

H. 304. To amend Section 37 of Act No. 516, H. 769, Regular Session 1949 (Acts of Alabama 1949, p. 740), so as to regulate further traffic control signal legends.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—86

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Andrews and Holmes as co-sponsors to the bill, H. 304.

And the bill:

H. 451. To amend Section 584 of Title 7, Code of Alabama 1940, relating to the registration of judgments and decrees, so as to require the address of each defendant or respondent as shown in the court proceedings to appear on the certificate of registration.

Was taken up.

Mr. Barron offered the following substitute to the bill:

A BILL TO BE ENTITLED AN ACT

To amend Section 584 of Title 7, Code of Alabama 1940, relating to the registration of judgments and decrees, so as to require the address of each defendant or respondent as shown in the court proceedings to appear on the certificate of registration.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 584 of Title 7, Code of Alabama 1940, relating to registration of judgments and decrees is hereby amended to read as follows:

"Section 584. Judgments and decrees may be registered.—The owner of any judgment or decree rendered in any court of record of this state, or of the United States, held in this state, may file in the office of the judge of probate of any county of this state, a certificate of the clerk or register of the court by which the judgment or decree was rendered which certificate shall show the style of the court which rendered the decree or judgment, the amount and date thereof, the amount of costs, the names of all parties thereto, and the name of the plaintiff's or complainant's attorney, and shall be registered by the judge of probate in a book to be kept by him for that purpose, which said register shall also show the date of the filing of the judgment or

decree, and said judge shall make a proper index to said book, which shall also show under the proper letter or letters of the alphabet the names of each and every defendant to said judgment or decree, and such judgments or decrees shall be recorded in chronological order of the filing of such judgments or decrees. Such certificate shall also show the address of each defendant or respondent, as shown in the court proceedings."

Section 2. This act shall become effective sixty days after its passage and approval by the Governor, or sixty days after its otherwise becoming a law.

And the substitute was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Campbell, Carothers, Coburn, Cooper, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

And the bill, H. 451 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Coburn, Cooper, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—81

Nay: Mr. Clark.

—1

ADJOURNMENT

On motion of Mr. Holmes, the House adjourned until 1:30 o'clock p.m., Tuesday, July 22, 1975.

Yeas 47; Nays 43.

Yeas:

Mr. Speaker, Baker, Biddle, Brindley, Callahan, Carter, Coburn, Crawford, Crowe, Edwards, Folmar, Ford, Gafford, Goodwin, Hall, Harris,

Hilliard, Hines, Holley, Holmes, Hopping, Johnstone, Jolly, Kennedy, Kinsey, Lee, LeFlore, McCulley, McMillan, McNees, Manley, Merrill, Moore (W), Morris, Owens, Pegues, Porter, Quarles, Reed, Robertson, Sandusky, Sasser, Smith (J), Starkey, Taylor, Weeks and Williams.

—47

Nays:

Messrs.: Albright, Andrews, Armstrong, Barron, Carothers, Clark, Cooper, Cross, Falkenburg, Greer, Gregg, Harrison, Higginbotham, Hill, Howard, Kelley, Killian, Leonard, Lockett, Lutz, McNair, Malone, Mitchem, Moore (O), Naramore, Plaster, Rich, Riddick, Roberts, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White and Wyatt.

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SIXTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, July 22, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Ed Waller, Childersburg Work Release Center, Childersburg, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

LEAVE OF ABSENCE

On motion of Mr. Crowe, leave of absence was granted for Mr. Burgess, due to illness.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifteenth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the fifteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifteenth legislative day was approved.

BILLS ON SECOND READING

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 130. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to provide that any city or county school board may, upon recommendation of the superintendent, make temporary loans not to exceed a total of \$750,000.00 in anticipation of revenue derived from privilege or license taxes upon the sale of malt or brewed beverages, provided that any amount borrowed must be used for capital outlay purposes; providing for renewals of such loans in certain circumstances; and providing for the issuance, registration, payment, cancellation, and exemption from taxation of certificates relating to revenue pledged for the payment of such loans.

By Messrs. Holley and Folmar:

H. 840. Relating to counties having a population of not less than 34,100 nor more than 34,900 according to the last federal decennial census amending the title and Section 1 of Act No. 400, S. 449, 1951 Regular Session (Local Acts of 1951, p. 720) so as to correct the population span of this act retroactive to 1970.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 1153. (With Substitute): Relating to the eighth judicial circuit; to provide a further additional expense allowance for each judge and for the district attorney of the circuit.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was severally read a second time and placed on the Calendar, to-wit:

H. 1158. Relating to Dale County; providing additional compensation for the official court reporter of the Thirty-third Judicial Circuit, payable by the county.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 1172. (With Substitute): Relating to all counties having a population of 90,000 to 100,000 inhabitants according to the most recent Federal Decennial Census; to provide that all county boards of education in such counties, shall have the power to borrow against revenues derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide that the district board member shall have sole power in securing such loan; to provide that all laws in conflict are hereby repealed and its becoming effective upon the signing by the Governor.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1212. Pertaining to Cullman County; to abolish the office of Register in Chancery of the Thirty-Second Judicial Circuit; to provide that the Circuit Clerk of said circuit shall henceforth perform the duties and functions of said Register; to provide that such change shall become effective on January 17, 1977; and establish the yearly salary for the Circuit Clerk.

H. 1213. Relating to Cullman County, providing an expense allowance for the members of the county board of education, which shall be in lieu of any expense allowances now payable to such members.

H. 1214. Relating to Cullman County; to reimburse the office of the judge of probate for any monetary loss resulting in the performance of official duties from errors or mistakes, made in good faith, and upon proper certification by the state auditor, not to exceed a maximum of fifteen hundred dollars per annum; making the provisions herein retroactive to October 1, 1972.

H. 1215. Relating to Cullman County, providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

H. 1216. To provide further for the expense allowances of certain county officers and officials of Cullman County.

H. 1245. Amending further Section 1 of Act No. 121, H. 22, Special Session 1971 (Acts 1971, p. 204), as amended, fixing the fee for pistol permits in counties having a population of not less than 12,000 nor more than 12,800 so as to provide for the distribution of fees collected by issuance of such permits.

H. 1246. Relating to counties having a population of not less than 12,000, nor greater than 12,800, according to the latest Federal decennial census; allowing the clerk of the county court to destroy county court warrants, with the exception of unexecuted arrest warrants, after two years from the date of service of said warrant.

H. 1252. Authorizing the county commission of Choctaw County to pay the sheriff of Choctaw County a monthly expense allowance of two hundred fifty dollars (\$250.00).

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 376. Relating to Mobile County; to provide that any monies in the general fund of Mobile County may be used by the County governing body to pay the doctor, medical, hospital bills and any expenses required for rehabilitative purposes of any County employee who is injured in the line of duty; and to make provisions of this Act retroactive to January 1, 1973.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Crowe, the rules were suspended in order to take up out of order the third reading of the bill, H. 822.

And the bill:

H. 822. To exempt certain persons from jury duty during any regular or special session of the legislature.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cross, Crowe, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Harrison, Higginbotham, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Waggoner, Weeks, White, Williams and Wyatt.

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NOTICE IN WRITING

Mr. Pegues filed the following Notice in Writing:

On the next legislative day, I shall file the following proposed rule change:

Any member of the House serving on any House of Representatives standing committee or joint interim committee who shall absent himself from three (3) consecutive meetings of any one such committee shall be removed therefrom forthwith, and the committee secretary shall be responsible for immediately reporting the three (3) consecutive absences to the Speaker.

BE IT FURTHER RESOLVED, That the Speaker shall appoint the member of his choice to fill the vacancy thereby created.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Waggoner:

H. 1259. To amend Sections 8, 9, 11, 13, 14, 16 and 23 of Act No. 79, S. 76, approved September 15, 1961, an act regulating the practice of engineering and land surveying; so as to provide: additional liability protection and legal counsel for the Board, biennial printing of Roster, an increase in certain fees and an increase in amount of funds that the Board may retain; and further to make an additional appropriation to the Alabama State Board of Registration for Professional Engineers and Land Surveyors from the "Professional Engineers' Fund" for the fiscal years ending September 30, 1975, September 30, 1976 and September 30, 1977.

Ways and Means.

By Mr. Waggoner:

H. 1260. To declare the Alabama Chapter of the Leukemia Society of America, Inc. an eleemosynary organization, and as such to exempt said Society from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Messrs. Coburn and Goodwin (With Notice and Proof):

H. 1261. Relating to Colbert County; providing for the further and additional definitions of "Hospital" for the purpose of defining any "Hospital" operated or to be operated by any Corporation already incorporated or which may hereafter be incorporated in Colbert County, Alabama, under the provisions of Article 5, Title 22, Code of Alabama, and to provide for further and additional powers for any corporation already incorporated or which may be incorporated in Colbert County under the provisions of Article 5, Title 22, Code of Alabama, (1940) as amended and recompiled.

Local Legislation No. 1.

Notice and Proof H. 1261.

STATE OF ALABAMA COLBERT COUNTY

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

Relating to Colbert County; providing for the further and additional definitions of "Hospital" for the purpose of defining any "Hospital" operated or to be operated by any Corporation already incorporated or which may hereafter be incorporated in Colbert County, Alabama, under the provisions of Article 5, Title 22, Code of Alabama, and to provide for further and additional powers for any corporation already incorporated or which may be incorporated in Colbert County under the provisions of Article 5, Title 22, Code of Alabama, (1940) as amended and recompiled.

A BILL TO BE ENTITLED AN ACT

Ec It Enacted by the Legislature of Alabama:

Section 1. In addition to the definitions of "Hospital" as set out in Section 204, (19) (c), Code of Alabama, (1940) as amended and recompiled, the definitions of "Hospital" for the purpose of defining any "Hospital" operated or to be operated by any Corporation already incorporated or which may be incorporated in Colbert County, under the

provisions of Article 5, Title 22, Code of Alabama, as amended and recompiled shall include or mean one or more buildings designed for use and occupancy as a public hospital, public clinic, or public health center and related public health facilities and lands necessary therefor, and any one or more of buildings or facilities which serve to promote the public health, either by providing places or facilities for the diagnosis, treatment, cure or convalescence of sick, injured, mentally ill, or disturbed persons or for the care, treatment and rehabilitation of alcoholics or for research with respect to any of the foregoing, including, without limiting the generality of the foregoing, hospitals, clinics, sanatoria, nursing homes, offices for persons engaged in the diagnosis, treatment or cure of sick or injured persons and buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or the records of such diagnosis or treatment or research with respect to any of the foregoing, or dormitories or residences for hospital personnel, and students, together with all real property for the location or better utilization of a hospital, medical clinic, buildings, parking areas, garages, storage facilities, outbuildings, machinery, equipment, furniture and fixtures useful or desirable in the operation of any of the aforesaid facilities.

Section 2. Any corporation already incorporated or which may hereafter be incorporated in Colbert County under the provisions of Article 5, Title 22, Code of Alabama, (1940) as amended and recompiled, shall have, in addition to those powers heretofore provided by law, the further and additional power to lease to others, one or more hospitals or parts thereof and any hospital facilities and to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; and to grant options to renew or extend any such lease upon such terms and conditions as the board of directors may determine; provided that no lease shall extend beyond the last maturity of any bonds issued by the corporation or 60 years from the date of the lease, whichever is the longer; and no option to renew shall permit the extension of any lease beyond such period; to contract with any institution for the instruction of medicine to provide training for nurses, technicians and other technical, professional and paramedical personnel upon such terms, conditions and number of years as they may determine; to conduct training schools; to provide scholarship for students to be engaged in essential duties peculiar to the operation of such hospitals in such manner as they may determine; to select and appoint the medical staff and dental staff members and others licensed or practice the healing arts and to delineate and define the privileges granted each individual; to affiliate and contract to provide training and clinical experience for students of other institutions upon such terms, conditions as it may determine; to rent, lease or contract for the operation of any department, section, equipment, or holdings of the corporation upon such terms and conditions as it may determine; to borrow money for any corporate purpose and to issue interest bearing securities in evidence of the borrowing.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
COLBERT COUNTY

Jim Crawford, Jr., being duly sworn, deposes and says that he is the Publisher of The Colbert County Reporter, a weekly newspaper

published at Tuscumbia, Colbert County, Alabama; and that the attached Notice appeared in the issue of The Colbert County Reporter June 11, 18, 25 and July 2, 1975.

JIM CRAWFORD, JR.

Sworn to and subscribed before me this the 7 day of July, 1975.

JEANNIE GRIFFITH,
Notary Public.

My Commission Expires April 1, 1978.

By Messrs. Lutz, Smith (B) and Moore (W) (With Notice and Proof):

H. 1262. Applying to Madison County, State of Alabama; to regulate message parlors within Madison County; to make legislative findings concerning the operation of message parlors within Madison County, and concerning the difficulty encountered by law enforcement officers in the enforcement of the law in connection with message parlors; to define terms; to require a license from the Madison County Board of Health for the operation of any said business within the County; to provide health and sanitary requirements for the operation of message parlors in Madison County; to provide standards for cleanliness in connection with message parlors in Madison County; to prohibit the use of any message parlor as a dormitory in Madison County; to prohibit massages by any licensee within said County except upon licensed premises; to prohibit massages behind closed doors; to require health examinations for persons to administer massages; to require that massage parlor premises in said County shall be open to the public and to law enforcement officers during the rendering of any service in connection with same; to provide for automatic termination of a massage parlor license upon final conviction of certain offenses by any owner, manager, or supervisor of a massage parlor in said County; to prohibit any physical contact by a person of the opposite sex in connection with a massage at a massage parlor, bath parlor, or any similar type business in Madison County, to prohibit massaging, or in any way touching, the genital organs of another in connection with a massage or other service rendered by a massage parlor in Madison County; to prohibit any person from advertising or offering any massage or physical touching of the genital organs of another in connection with a massage in Madison County, to provide for the revocation of massage parlor licenses by the Madison County Health Officer after notice and hearing; to provide penalties for the violation of this act; to provide severability for the various sections, paragraphs, sentences, clauses and phrases of this act; and to provide that the act shall become effective immediately upon its passage and approval, or upon its otherwise becoming a law.

Local Legislation No. 4.

Notice and Proof H. 1262.

NOTICE

Notice is hereby given that a Bill substantially as follows will be introduced in the Alabama Legislature and application made for its passage.

A BILL TO BE ENTITLED AN ACT

Applying to Madison County, State of Alabama; to regulate message parlors within Madison County; to make legislative findings concerning

the operation of massage parlors within Madison County, and concerning the difficulty encountered by law enforcement officers in the enforcement of the law in connection with massage parlors; to define terms; to require a license from the Madison County Board of Health for the operation of any said business within the County; to provide health and sanitary requirements for the operation of massage parlors in Madison County; to provide standards for cleanliness in connection with massage parlors in Madison County; to prohibit the use of any massage parlor as a dormitory in Madison County; to prohibit massages by any licensee within said County except upon licensed premises; to prohibit massages behind closed doors; to require health examinations for persons to administer massages; to require that massage parlor premises in said County shall be open to the public and to law enforcement officers during the rendering of any service in connection with same; to provide for automatic termination of a massage parlor license upon final conviction of certain offenses by any owner, manager, or supervisor of a massage parlor in said County; to prohibit any physical contact by a person of the opposite sex in connection with a massage at a massage parlor, bath parlor, or any similar type business in Madison County, to prohibit massaging, or in any way touching, the genital organs of another in connection with a massage or other service rendered by a massage parlor in Madison County; to prohibit any person from advertising of offering any massage or physical touching of the genital organs of another in connection with a massage in Madison County, to provide for the revocation of massage parlor licenses by the Madison County Health Officer after notice and hearing; to provide penalties for the violation of this act; to provide severability for the various sections, paragraphs, sentences, clauses and phrases of this act; and to provide that the act shall become effective immediately upon its passage and approval, or upon its otherwise becoming a law.

Be It Enacted by the Legislature of the State of Alabama:

Section 1. Legislative Finding—The Legislature of the State of Alabama hereby declares and finds that the business of operating massage parlors as defined herein are businesses affecting the public health, safety, and general welfare; that such businesses have been used in Madison County and elsewhere as fronts for the conduct of prostitution, assignation, and lewdness; That the method of operation of such businesses generally is such that female persons bargain with male customers for illicit sexual activity, including prostitution, fellatio, and sodomy, only after performing so-called massages while the male customer is nude, and after engaging the customer as part of the so-called massage in sexual foreplay to the point of sexual arousal; that because of said method of operation the gathering of evidence by law enforcement officers sufficient for said officers to make an arrest or to institute some other civil proceeding requires male officers to pose as customers, and to perform degrading, demeaning, compromising, and unethical acts, to wit: becoming nude in the performance of his duty, submitting to an erotic massage, and engaging in sexual foreplay to the extent of sexual arousal, all of which invades the officers right of privacy, and interferes with, or potentially interferes with the officers family relationship; and that in order to protect the public interest, health, safety, and general welfare, it is necessary that such businesses be regulated in order to prevent their use for unlawful and illegal activities, and in order to protect the public health and safety.

Section 2. The following words and terms when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them by this section:

A. **Massage parlor.** The phrase "massage parlor" shall mean any establishment, building, room, or place other than a regularly licensed hospital, medical clinic, nursing home, or dispensary, the offices of a physician, a surgeon, or an osteopath, where non-medical, non-surgical, non-osteopathic and non-chiropractic manipulative exercises, massages or procedures are practiced upon the human body, or any part thereof, for other than cosmetic or beautifying purposes, with or without the use of mechanical or other devices, by anyone not a physician, surgeon, osteopath, or chiropractor or of a similarly registered status, and shall include any place where baths, exercises or similar services are offered.

B. **Masseur and Masseuse.** The term masseur (male) and masseuse (female) is a person who practices any one or more of the arts of body massage, either by hand or mechanical apparatus, oil rubs, corrective gymnastics, mechanotherapy, including color therapy, dietetics, hot packs, cabinet, tub, shower, sitz, vapor, steam or any other special type of bath.

C. The word "establishment" shall mean a place of business or operation of any kind.

D. The word "person" shall include a firm, partnership, association of persons, corporation, organization or any other group acting as a unit.

Section 3. It shall be unlawful for any person to operate within Madison County a massage parlor as herein defined without first having acquired from Madison County Board of Health a license for the operation of said business as required by this act. In addition to the requirements of this act, the Madison County Board of Health shall, within 180 days from the effective date of this act, promulgate rules, regulations, and standards, which shall have the force and effect of law, for the licensing and operation of massage parlors as defined herein, within Madison County. From and after the effective date of such rules, regulations, and standards, it shall be unlawful for any person to operate any massage parlor as defined herein, without having procured a license therefor from the Madison County Board of Health, and except in compliance with said rules, regulations, and standards.

Section 4. **Health and Sanitary Requirements.** Any massage parlor licensed by the Madison County Board of Health shall at all times comply with all health regulations, rules, and requirements as shall now or hereafter be promulgated by the Madison County Board of Health, and any premises used for the purposes of a massage parlor shall, during all hours of operation, be made open and available to inspection by duly authorized health authorities for the purpose of assuring compliance with said health rules, regulations, and requirements. Each massage parlor shall be equipped with toilet and lavatory facilities for patrons and separate readily available toilet and lavatory facilities for employees, and each operating area shall be equipped with a hand lavatory.

Section 5. **Cleanliness.** (a) No towels, wash clothes, or other linen items shall come in contact with the body or any part thereof of any customer or patron at a massage parlor that has not been boiled and laundered since last used.

(b) Every person applying or administering massages shall cleanse his or her hands thoroughly by washing same with soap and hot water before attending or massaging any person.

(c) Any person while applying or administering massages shall be clothed from the shoulders to the knees by a robe, smock, or other opaque apparel so that the patron or customer shall be protected from

bodily contact with the person applying or administering the massage except for the hands and arms of said person applying or administering said massage.

(d) Any massage parlor licensed pursuant to this act shall be equipped with running hot and cold water, and with all appliances, furnishings and materials as may be necessary to enable persons employed in and about said massage parlor to comply with the provisions of this act.

Section 6. Not to be used as Dormitory. No massage parlor shall be used as and for a dormitory or place of sleep, nor shall any licensee under this act permit any massage parlor to be so used.

Section 7. Massages at Licensed Location Only. No massages shall be administered or applied by any licensee hereunder or any employee, operator, or attendant while working for such licensee, except in or upon the premises or regular place of business of said licensee where said license is regularly displayed and at the place and location designated for the operation of said massage parlor in said license.

Section 8. Treatment. No masseur, masseuse, or other employee or attendant in any massage parlor shall apply or administer any massage or other treatment to any person behind locked doors.

Section 9. Health Examination. Subsequent to the effective date of this act it shall be unlawful for any masseur, masseuse, or other employee or attendant to administer massages in any massage parlor in Madison County without first and within six months from the date thereof having secured a written verification from a licensed physician that the said person or employee is free of any contagious, infectious, or communicable disease, and said masseur, masseuse, or other employee or attendant of any massage parlor shall, at all times while on duty or working in any such massage parlor, have upon his or her person, said written medical verification.

Section 10. It shall be unlawful for any person to render any service to the public upon the premises of a massage parlor located in Madison County except during the time that the establishment is open with free access thereto by the public, during which time all portions of such establishment shall be open to the inspection of any inspector of the Madison County Health Department, and to any law enforcement officer of the State, or of the jurisdiction where said establishment is located.

Section 11. It shall be unlawful for the owner, manager, or supervisor of a massage parlor located in Madison County to allow, authorize, or tolerate in his or her establishment any activity or behavior prohibited by the laws of the State of Alabama including such laws proscribing acts of prostitution, sodomy, adultery, fornication, or any lewd or obscene act or performance.

Any final conviction of any owner, manager, or supervisor of any massage parlor of a violation of the foregoing mentioned acts occurring on or in connection with the establishment shall automatically terminate the license of said establishment and the Madison County Health Officer shall so notify the holder thereof, and no new license for the operation of a massage parlor on the same premises thereafter shall be issued by the Health Officer for a period of one year.

Section 12. It shall be unlawful for any person to operate a massage parlor, regardless of whether it is a public or private facility, or any

bath parlor, or any similar type business, located in Madison County where any physical contact with the recipient of such service is provided by a person of the opposite sex. Any person violating the provisions of this section shall, upon conviction, be punished by fine of \$500.00 or twelve months in jail, one or both, and in addition final conviction of any owner, manager, or person in charge of premises upon which a massage parlor is operated, shall automatically terminate the license of said establishment and the Madison County Health Officer shall so notify the holder thereof, and no new license for the operation of a massage parlor on the same premises shall thereafter be issued by the Health Officer for a period of one year.

Section 13. It shall be unlawful for any masseur, masseuse, attendant or person employed in a massage parlor located in Madison County to massage or in any way touch the genital organs of another in connection with any massage or other service rendered by said establishment. It shall be unlawful for any person to advertise or offer any massage or physical touching of the genital organs of another in connection with such a massage.

Section 14. Revocation of License. Any license issued hereunder by the Madison County Health Officer may be revoked by the Madison County Health Officer upon the violation of any section, requirement, or provision of this act by the licensee of any agent, attendant, or other employee of said licensee, provided the licensee shall first be notified of said violation and be afforded a hearing before the said Health Officer. Written notice of any violation hereunder and any hearing thereon before the Madison County Health Officer may be given to licensee by delivering said notice by hand to licensee, or in his absence to any adult person employed by licensee at the licensed premises or the deposit of said notice postage prepaid with the United States Postal Service and addressed to licensee at the licensed premises, not less than ten (10) days prior to such hearing before the Health Officer and the licensee may present such evidence as he shall wish to the said Health Officer. In the event of any revocation of a license for the operation of a massage parlor in accordance with this section, said licensee shall not be entitled to the issuance of a subsequent license for the operation of a massage parlor in the county within twelve (12) months following the date of said revocation.

Section 15. Penalties. Any person who shall violate any provision or section of this act for which a penalty is not otherwise provided, or who shall do any act made unlawful by this act shall, upon conviction thereof, be punished by fine of not more than \$500.00 or six months in jail, one or both.

Section 16. Severability Clause. It is hereby declared to be the intention of the Legislature that the sections, paragraphs, sentences, clauses and phrases of this act are severable, and if any phrase, clause, sentence, paragraph, or section of same shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this act, since the same would have been enacted by Legislature without the incorporation in this act of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 17. That this act shall become effective immediately upon its passage and approval, or upon its otherwise becoming a law.

REGULAR SESSION
16th Day

1131

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on July 3, 10, 17 and 21, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 21 day of July, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

By Messrs. Smith (B) and Lutz (With Notice and Proof):

H. 1263. To change the Law Library tax charged in criminal cases in the General Sessions Court of Madison County, Alabama.

Local Legislation No. 4.

Notice and Proof H. 1263:

STATE OF ALABAMA
COUNTY OF MADISON

Notive is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To change the Law Library tax charged in criminal cases in the General Sessions Court of Madison County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. In all criminal cases instituted in the General Sessions Court of Madison County, Alabama, there shall be charged and collected by the Clerk of the Court a Law Library tax of One Dollar (\$1.00).

Section 2. On or before the 10th day of the month following the collection of said tax, the Clerk of said Court shall pay into the Law Library Fund all amounts collected in said Court as a result of this tax.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared W. C. Lewis, known to me, who being

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16th Day

by me first duly sworn, deposes and says he is Secretary-Treasurer of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said Newspaper on June 17, 24, July 1 & 7, 1975.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me this the 16 day of July 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

By Messrs. Lutz and Smith (B) (With Notice and Proof):

H. 1264. Relating to Madison County; to amend Act No. 120, H. 599, of the 1973 Regular Session; to authorize the governing body of said county to expend funds to reimburse the Tax Assessor for travel performed in the county in connection with the duties of that office.

Local Legislation No. 4.

Notice and Proof H. 1264:

NOTICE

Notice is hereby given that a Bill substantially as follows will be introduced in the Alabama Legislature and application made for its passage.

A BILL
TO BE ENTITLED
AN ACT

Relating to Madison County; to amend Act. No. 120, H. 599, of the 1973 Regular Session; to authorize the governing body of said county to expend funds to reimburse the Tax Assessor for travel performed in the county in connection with the duties of that office.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 120, H. 599, of the 1973 Regular Session of the Alabama Legislature is hereby amended by adding the following Section 2a:

"2a. The governing body of said county is further authorized to expend a sum not to exceed Twelve-Hundred (\$1,200.00) Dollars per year to reimburse the Tax Assessor for travel performed within the county in inspecting taxable property and making assessments of the same."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed

**REGULAR SESSION
16th Day**

1133

at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on July 3, 10, 17 and 21, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 21 day of July, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

By Mr. Warren (With Notice and Proof):

H. 1265. To provide an additional expense allowance for the tax collector of Conecuh County.

Local Legislation No. 1.

Notice and Proof H. 1265:

**STATE OF ALABAMA
COUNTY OF CONECUH**

Notice is hereby given that bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

To provide an additional expense allowance for the tax collector of Conecuh County.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax collector of Conecuh County shall be entitled to receive an expense allowance of three hundred dollars (\$300) per month for the months of October, November, and December of each year. Such allowance shall be in addition to any and all other salary, compensation or allowances now received by said tax collector, payable in monthly installments out of the general fund of the county.

Section 2. This Act shall become effective October 1, 1975.

PROOF OF PUBLICATION

**STATE OF ALABAMA
COUNTY OF CONECUH**

Before me, the undersigned authority in and for said County in said State, this day personally appeared R. C. Bozeman, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Evergreen Courant, Inc., a newspaper of general circulation published in Conecuh County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 26, July 3, July 10, and July 17, all in the year 1975.

R. C. BOZEMAN, JR.

Sworn to and subscribed before me July 22, 1975.

HAROLD ADAMS,
Notary Public.

My Commission Expires April 5, 1977.

By Messrs. Smith (M) and Higginbotham (With Notice and Proof):

H. 1266. To authorize certain savings and loan associations to establish a branch or branches in certain parts of Chambers County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 1266:

STATE OF ALABAMA
CHAMBERS COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize certain savings and loan associations to establish a branch or branches in certain parts of Chambers County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Any savings and loan association, chartered by the United States Government whose principal place of business is in a city or town in Georgia which is contiguous to Chambers County, Alabama, shall have the power to establish, maintain, and operate within the limits of Beats or Precincts Seven and Thirteen of Chambers County, Alabama, as such beats are now defined for the purpose of holding elections, one or more branches, branch offices, branch agencies, additional offices or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general savings and loan business, provided that such savings and loan association, before the establishment of any such branch or branches, shall first secure the approval of the Federal Home Loan Bank Board.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CHAMBERS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mark T. Walls, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Valley Times-News, a newspaper of general circulation published in Chambers County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 25, July 2, July 9, and July 16, all in the year 1975.

MARK T. WALLS.

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16th Day

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Sworn to and subscribed before me July 16, 1975.

BETTY V. SORRELL,
Notary Public.

By Messrs. Baker, Higginbotham, Smith (M), Owens, Jackson (F), Crawford, Williams and Carothers:

H. 1267. To amend Section 5, as amended, and Section 6 of Act No. 107, S. 2, 1965 first special session (Acts of 1965, special session, volume one, p. 132, now appearing in Code of Alabama, Recompiled 1958, Title 50, Sections 82 and 83), relating to the incorporation in any county in the State of Alabama of a Water Authority, as a public corporation for the purpose of furnishing water service and fire protection service; so as to regulate further the membership of the board of directors.

State Administration.

By Messrs. Moore (O), Smith (C) and Waggoner:

H. 1268. To appropriate \$1,000,000.00 out of the Special Educational Trust Fund to the Shelby County Board of Education for capital outlay purposes.

Ways and Means.

By Messrs. Smith (B), Riddick, Gregg and Albright:

H. 1269. Authorizing any municipality having a population of not less than 135,000 nor more than 185,000 according to the 1970 or any subsequent Federal Decennial Census, to create a Planning Commission having certain powers, duties and regulations.

Local Legislation No. 4.

By Messrs. Smith (B), Riddick, Gregg and Albright:

H. 1270. Pertaining to cities within the State of Alabama having a population of not less than 135,000 nor more than 185,000 according to the most recent Federal Decennial Census; to authorize the governing body of all said municipalities to place on the official ballot at any regular or special election called by the governing body for other purposes, an advisory vote on the question of whether or not any additional taxes proposed to be levied by said governing body and earmarked for public school purposes within the municipality should be levied; to provide that any such vote would not be binding on the governing body, but would be advisory only in nature; to repeal all laws or parts of laws in conflict herewith; and to provide an effective date for this act.

Local Legislation No. 4.

By Messrs. McCluskey, Campbell, Brindley, Smith (M), Dial, Smith (C), Jackson (F), Cates, Carothers, Martin, Kinsey, McMillan, Barron, Teague, Mitchem, Higginbotham, White, Andrews, Pegues, McNees, Sparks, Sasser, Moore (W), Callahan, Riddick, Starkey, Cross, Roberts, Weeks, Warren, Venable, Williams and Crawford:

H. 1271. To provide for immunity for political subdivisions for personal injury, death or damages to property by reason of acts committed or omitted in the exercise of governmental functions, and defining political subdivisions.

Local Government.

By Mr. McCorquodale (With Notice and Proof):

H. 1272. Relating to Clarke County; to provide for branch banking.

Local Legislation No. 1.

Notice and Proof H. 1272:

STATE OF ALABAMA
COUNTY OF CLARKE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Clarke County; to provide for branch banking.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank established and authorized to do a general banking business in Clarke County may open, establish, maintain, and operate a branch bank, branch office, or other place of business for the receipt of deposits, payment of checks, lending of money, and conducting a general banking business; provided, that any such bank shall open a branch only within the corporate limits of the municipality in which its principle place of business is located or within the corporate limits of any other municipality in the county in which there is no other bank. No branch bank shall be opened as hereinabove authorized without the written consent of the state superintendent of banks.

Section 2. The provisions of the Code of Alabama 1940, Title 5, Section 125, are hereby superseded as it applies in Clarke County; all other laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CLARKE

Before me, the undersigned authority in and for said County in said State, this day personally appeared R. W. McGwier, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Clark County Democrat, a newspaper of general circulation published in Clarke County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 19, June 26, July 3, and July 10, all in the year 1975.

R. W. McGWIER.

Sworn to and subscribed before me July 10, 1975.

NELL A. CHAPMAN,
Notary Public, Clarke County, Ala.

By Messrs. Owens, Roberts, Drake, Brindley, Wyatt, Mitchem, Holmes, Greer, Waggoner, Killian, Harris, Rich, McNees, Jackson (F), Coburn, Warren, Crowe, Campbell, Hopping, Manley and McMillan:

H. 1273. To make appropriations to the Alabama Forestry Commission for construction of an automotive maintenance and repair shop, mechanics salaries, and equipment and parts for such shop.

Ways and Means.

By Mr. Killian:

H. 1274. To amend Act No. 113, H. 88, 1956 First Special Session [Acts 1956, p. 170; now appearing in Code of Alabama Recompiled 1958, Title 7, Section 123 (1)] relative to actions for injuries to property resulting from the act or omission which caused the owner's death; and to make the provisions of this act available in pending suits.

Judiciary.

By Mr. Killian:

H. 1275. To provide that an action for breach of implied or specific warranty shall be sufficient to sustain a claim for wrongful death and to provide that the court may assess both compensatory and punitive damages.

Judiciary.

By Messrs. Sonnier, Glass, Johnstone, Roberts and Hines:

H. 1276. To require that all drugs and prescriptions dispensed have a label conspicuously bearing either the trade name or generic name; to provide definitions, exceptions hereunder, and penalties for violations; and to authorize the Alabama state board of pharmacy to establish, prescribe, and promulgate standards, rules, and regulations, as necessary, to administer and effect the provisions of this Act.

State Administration.

By Messrs. Jolly and Brindley:

H. 1277. To amend further Act No. 37, S. 69, Special Session 1964 (Acts of 1964, p. 58) which regulates the compensation of jurors in certain counties classified on a population basis.

Local Legislation No. 1.

By Mr. Cross (With Notice and Proof):

H. 1278. Relating to Lawrence County; to provide that a certain percentage of the proceeds accruing to the Alabama Department of Aeronautics from any rental or lease agreement covering certain lands in said county shall be deposited to the Lawrence County general fund; requiring all such leases to be let on a competitive bid basis.

Local Legislation No. 1.

Notice and Proof H. 1278:

STATE OF ALABAMA
COUNTY OF LAWRENCE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENACTED
AN ACT

Relating to Lawrence County: to provide that a certain percentage of the proceeds accruing to the Alabama Department of Aeronautics from any rental or lease agreement covering certain lands in said county shall be deposited to the Lawrence County general fund; requiring all such leases to be let on a competitive bid basis.

Be It Enacted by the Legislature of Alabama:

Section 1. Fifty percent (50 percent) of the gross proceeds accruing to the Alabama Department of Aeronautics under any agreement which rents or leases air base lands to a private individual, firm, association, or corporation shall be deposited to the credit of the Lawrence County general fund. All such leases shall be let on a competitive bid basis.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAWRENCE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Arthur F. Slaton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Moulton Advertiser, a newspaper of general circulation published in Lawrence County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1975.

ARTHUR F. SLATON.

Sworn to and subscribed before me July 24, 1975.

LUTHER C. SLATON,
Notary Public Alabama-At-Large.

By Mr. Callahan (With Notice and Proof):

H. 1279. To authorize the County Commission of Mobile County to make appropriations for the support and operation of a nonprofit organization to provide services to and for the benefit of the citizens of Mobile County.

Local Legislation No. 3.

Notice and Proof H. 1279:

LEGAL NOTICE

Notice is hereby given that a Bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the County Commission of Mobile County to make appropriations for the support and operation of a non-profit organiza-

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tion to provide services to and for the benefit of the citizens of Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Mobile County is authorized to make appropriations from the General Fund of the County for the support and operation of Senior Citizens Services, Inc., a corporation incorporated under the Alabama Nonprofit Corporations Act, whose sole purpose is to provide, on a nondiscriminatory basis, services which are in the best interest of and beneficial to the citizens of Mobile County, especially those of age 55 and older. Such appropriations may be made in such amounts and on such schedule of payments as the County Commission shall in its discretion determine. Any appropriations heretofore made by the County Commission that would be in accordance with the provisions of this Act are hereby ratified and confirmed and specifically approved.

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Joyce Butt being sworn, says that she is Bookkeeper of The Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Press May 9, 16, 23, 30.

JOYCE BUTT.

Sworn to and subscribed before me this 30 day of May 1975.

E. E. KOCH,
Notary Public.

By Mr. Callahan:

H. 1280. To provide for supplementing the compensation paid to retired Circuit Judges in Judicial circuits composed of one county and having not less than seven nor more than twelve circuit judges.

Local Legislation No. 3.

By Mr. Callahan:

H. 1281. To amend Section 45 of Act No. 516, H. 769, 1949 of the Regular Session of the Legislature [Acts 1949, p. 740, now appearing in Code of Alabama 1940, Recompiled 1958, Title 36, Section 58 (45)], to further prescribe standards for motor vehicles hauling loads to prevent the shifting or dropping of articles onto the highway.

Commerce and Transportation.

By Mr. Holley (With Notice and Proof):

H. 1282. Repealing Act No. 1177, H. 2219 (Acts of 1971, p. 2033), entitled "An Act Relating to the appointment of the superintendent of education by the county school board in counties having a population of not less than 34,100 and not more than 34,900 according to the most recent federal decennial census."

Local Legislation No. 1.

Notice and Proof H. 1282:

JOURNAL OF THE HOUSE, 1975
16th Day

A BILL
TO BE ENTITLED
AN ACT

Repealing Act No. 1177, H. 2219 (Acts of 1971, p. 2033) entitled "An Act Relating to the appointment of the superintendent of education by the county school board in counties having a population of not less than 34,100 and not more than 34,000 according to the most recent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1177, H. 2219 (Acts of 1971, page 2033) entitled "An Act relating to the appointment of the superintendent of education by the county school board in counties having a population of not less than 34,100 and not more than 34,900 according to the most recent federal decennial census" is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
COFFEE COUNTY

Before me, a Notary Public in and for said State and County, personally appeared FERRIN COX who states on oath that he is the PUBLISHER of THE ELBA CLIPPER, a newspaper published weekly at Elba Ala., in said County and State, and that the Notice hereto attached was published in said newspaper for a period of FOUR consecutive weeks on the following dates, to-wit: June 26, 1975, July 3, 1975, July 10, 1975, July 17, 1975.

FERRIN COX.

Sworn to and subscribed before me on this the 21 day of July, 1975.

JUDY S. FREE,
Notary Public.

By Mr. Holley (With Notice and Proof):

H. 1283. Relating to Coffee County; providing that the superintendent of education in said county shall be elected; such election to be held every four years; only qualified electors residing in the school district served by such superintendent shall be entitled to vote in such election.

Local Legislation No. 1.

Notice and Proof H. 1283:

A BILL
TO BE ENTITLED
AN ACT

Relating to Coffee County; providing that the superintendent of education in said county shall be elected; such election to be held every four years; only qualified electors residing in the school district served by such superintendent shall be entitled to vote in such election.

Be It Enacted by the Legislature of Alabama:

Section 1. A superintendent of education for Coffee County shall be elected at the next general election scheduled to be held in the county, with further elections to this post being held every four years.

Section 2. Only those qualified electors residing in the school district served by such superintendent shall be entitled to vote in said election.

Section 3. The superintendent of education shall hold office for a term of four years, commencing July 1 next succeeding his election. In the event a vacancy occurs in the office, the county board of education is authorized to fill such vacancy for the unexpired term by appointment.

Section 4. The salary of the superintendent of education shall be fixed by the county board of education.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA COFFEE COUNTY

Before me, a Notary Public in and for said State and County, personally appeared FERRIN COX who states on oath that he is the PUBLISHER of THE ELBA CLIPPER, a newspaper published weekly at Elba Ala., in said County and State, and that the Notice hereto attached was published in said newspaper for a period of FOUR consecutive weeks on the following dates, to-wit: June 26, 1975, July 3, 1975, July 10, 1975, July 17, 1975.

FERRIN COX.

Sworn to and subscribed before me on this the 21 day of July, 1975.

JUDY S. FREE,
Notary Public.

By Messrs. Malone, Drake, Crowe, Rich, Coburn, Robertson, Johnson, Andrews, Naramore and Teague:

H. 1284. To provide that the fire fighters of any municipality may by the election provided for in this Act designate a bargaining agent to represent them in respect to the wages the municipality employing them pays to them as fire fighters and in respect to other conditions of their employment; to provide the procedure for elections to be called and held under this Act, including the elections to certify a bargaining agent and elections to decertify a bargaining agent; to provide for collective bargaining proceedings to be instituted by the bargaining agent for the fire fighters or the officer, commission or board empowered to establish wages for the fire fighters; to authorize the Director of Labor to establish rules and regulations governing the call of, notice of and conduct or elections held hereunder; to provide for a procedure for compulsory arbitration; to provide for the appointment of arbitrators and define said arbitrators' jurisdiction and authority; to provide that the

arbitrators' decision shall be binding upon all parties; and to provide for the enforcement of such decision by the circuit court and to provide for penalties; and to provide that this Act shall be known as the "Fire Fighters' Employee-Employer Relations Act," and that the provisions thereof are supplementary to and shall be construed in pari materia with Act No. 229, H. 146 (Acts 1967, p. 598).

Business and Labor.

By Messrs. Dial and Teague (With Notice and Proof):

H. 1285. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 1285:

A BILL
TO BE ENTITLED
AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama, be, and the same are hereby, extended, altered, and rearranged so as to include within the corporate limits of said Town all of the following described territory: The East Half ($E\frac{1}{2}$) of the West Half ($W\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) and the East Half of the Southeast Quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$) of Section 20; All of Section 21; All of Section 22; The portion of the South Half of the South Half ($S\frac{1}{2}$ of $S\frac{1}{2}$) that is Northwardly of Highway 78 and also the portion of the South Half of the South Half ($S\frac{1}{2}$ of $S\frac{1}{2}$) of Section 25 that is Eastwardly of the Jackson Trace Road of Section 25; The South Half of the Southwest Quarter ($S\frac{1}{2}$ of $SW\frac{1}{4}$) and the South Half of the South Half of the Southeast Quarter ($S\frac{1}{2}$ of $S\frac{1}{2}$ of $SE\frac{1}{4}$) of Section 26; All of Section 27; All of Section 28; The portions of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$), and of fraction "A" of Section 32 that are Eastwardly of the Westerly right of way line of the old Talladega-Lincoln Highway (1928-1938) and Northerly of U.S. Interstate 20 Highway right of way and all portions of the Southeast Quarter that is Southward of the Northerly right of way of U.S. Interstate 20 and U.S. Interstate 20 right of way in Southwest Quarter of Section 32; all of section 33; all of section 34; all in Township 16 South, Range 5, East. Also the North Half ($N\frac{1}{2}$), and the North Half of the Southwest Quarter ($N\frac{1}{2}$ of $SW\frac{1}{4}$) and Alabama Highway 77 in Section 4: The North Half of the Northeast Quarter ($N\frac{1}{2}$ of $NE\frac{1}{4}$) and the North Half of the South Half of the Northeast Quarter ($N\frac{1}{2}$ of $S\frac{1}{2}$ of $NE\frac{1}{4}$) and the East Half of the East Half of the South Half of the Southeast Quarter of the Northeast Quarter ($E\frac{1}{2}$ of $E\frac{1}{2}$ of $SE\frac{1}{4}$) of $SE\frac{1}{4}$) of $NE\frac{1}{4}$) and the East Half of the East Half of the Northeast Quarter of the Southeast Quarter ($E\frac{1}{2}$ of $E\frac{1}{2}$ of $NE\frac{1}{4}$ of $SE\frac{1}{4}$) and Alabama 77 Highway right of way in Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section 5; all in Township 17 South, Range 5 East; and also the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 30; all in Township 17 South, Range 6 East.

Section 2. All laws and parts in conflict with the provisions of this act are hereby repealed.

Section 3. This Act shall be effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Personally appeared before me, a Notary Public in and for said County, Lynne Hanner, who being duly sworn according to law, deposes and says that he is the Clerk of the Daily Home a newspaper published in said County, and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for 4 weeks consecutively, to-wit, in the issues hereof dated as follows: April 8, 1975, April 15, 1975, April 22, 1975, April 29, 1975.

LYNNE HANNER.

Subscribed and sworn to before me this 11th day of June, 1975.

ZELL P. COPELAND,
Notary Public.

By Messrs. Higginbotham, Carter, Roberts, Martin, Dial, Carothers, Wyatt, Jackson (F), Smith (M), Kinsey, Robertson, Baker, Pegues, Lockett, Crawford, Williams, Smith (J) and Reed:

H. 1286. To provide for and authorize the incorporation of Municipal Electric Authorities as public corporations of the State of Alabama for the purpose of planning, financing, developing, acquiring, constructing, reconstructing, improving, enlarging, owning, operating and maintaining systems and facilities for the generation, transmission, transformation and distribution, or any of them, of electric power and energy, which systems and facilities may be situated within or without the State of Alabama; to authorize any two or more municipalities to incorporate and organize an Authority; to authorize municipalities to become members of an Authority and to appoint a board of commissioners to exercise the powers of such Authority as herein provided; to provide for an executive committee and officers of such board; to grant powers to an Authority including the power of eminent domain; to provide that an Authority may exercise any one or more of the powers, rights and privileges conferred upon it either alone or jointly or in common with one or more other parties, municipalities, corporations, electric boards, cooperatives, or public or private utilities located either within or without the State of Alabama or partly within and partly without the State; to authorize an Authority to issue and sell its bonds or notes; to provide that the bonds, notes and other obligations of an Authority shall not be a debt or obligation of the State or of any municipality but shall be payable solely from the revenues of its facilities or its undivided interest therein; to provide for the execution and delivery by an Authority of mortgages, deeds of trust and other instruments of security for the benefit of such obligations; to provide that bonds issued by an Authority shall be legal investments and also eligible as security for the deposit of public funds; to provide that the property of an Authority and the income therefrom, all bonds and the interest thereon, and all deeds, mortgages, trust indentures and other instruments executed by or delivered to an Authority shall be exempt from all state, county, municipal and other taxation in the State; to grant legislative consent to the application of the laws of other states with respect to taxation and payments in lieu of taxation by an Authority on any systems or facilities situated without the State; to exempt an Authority from the laws of the State of Alabama governing usury; to exempt all contracts made by an Authority in the exercise of any power or authority under this Act from the provisions and requirements of Act No. 217 adopted at the 1967 Special Session of the Legislature of Alabama, as amended, with respect to competitive bidding; to exempt an Authority, in the exercise of any powers and authorities granted under this Act, from the jurisdiction and control of the Public Service Commis-

sion and all other regulatory bodies and agencies of the State of Alabama; to provide for the use of the public roads by an Authority; and to make other provisions for the operation of an Authority by its board of commissioners and the planning, financing, developing, acquiring, construction, reconstruction, improving, enlarging, owning, operating and maintaining any such systems or facilities.

State Administration.

By Messrs. Higginbotham, Carter, Roberts, Martin, Dial, Carothers, Wyatt, Jackson (F), Smith (M), Kinsey, Robertson, Baker, Pegues, Lockett, Crawford, Williams, Smith (J) and Reed:

H. 1287. To provide for the joint ownership and operation of systems and facilities for the generation, transmission, transformation and distribution, or any of them, of electric power and energy which systems and facilities may be situated within or without the State or partly within and partly without the State; to authorize each town, city or incorporated municipality, each electric board (public corporations organized under Act No. 175 of the 1951 Regular Session of the Alabama Legislature, as amended) and each electric cooperative (corporations organized under Article 1, Chapter 3 of Title 18 of the Alabama Code of 1940, as amended) to plan, finance, develop, acquire by purchase or construction, lease as lessee or lessor, improve, enlarge, own, operate, manage and maintain such systems and facilities or any part thereof or undivided interest therein, jointly or in cooperation with, and to enter into and carry out the provisions of any contract or contracts with respect thereto with one or more other municipalities, electric boards, cooperatives, or any other person, firm or corporation including, without limitation, any municipal electric authority incorporated as a public corporation under the laws of the State heretofore or hereafter enacted, the State of Alabama, the United States of America or any other state, or any agency of any of them, or any public or private corporation organized under the laws of any state or of the United States of America heretofore or hereafter enacted; to provide that such contract or contracts may contain such provisions as the parties thereto may determine, including the designation of an agent to act for all parties to the contract and the arbitration of disputes; to authorize any municipality, electric board or cooperative to issue its bonds and bond anticipation notes to pay the cost of its interest in such systems and facilities and to pledge to payment of its bonds the revenues from its interest in such systems and facilities and from any electric system owned by it; to provide that such bonds shall be legal investments and eligible as security for the deposit of public funds; to authorize any municipality, electric board and cooperative to enter into trust indentures and other contracts with respect to its bonds and to fix, maintain and alter rates, fees and charges for the use of and for services furnished by any electric systems and facilities or interest therein owned by it; to exempt all municipalities, electric boards and cooperatives and their electric systems and facilities and interest therein from regulations by the Alabama Public Service Commission; to exempt every municipality, electric board and cooperative issuing bonds under the Act from the laws of the State of Alabama governing usury; to exempt all contracts made by municipalities, electric boards and cooperatives in the exercise of any power or authority under the Act from the provisions and requirements of Act No. 217 adopted at the 1967 Special Session of the Alabama Legislature, as amended, with respect to competitive bidding; and to provide that all property of any municipality or electric board acquired in the exercise of any right or power granted in the Act and the income therefrom, all bonds issued by any municipality or electric board under the Act and interest therefrom and all

deeds, indentures and other documents executed by or delivered to any municipality or electric board shall be exempt from all state, county, municipal and other taxation in the State.

State Administration.

By Messrs. Kinsey and McMillan:

H. 1288. To regulate qualifications of persons engaging in the bail bond business in all counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census.

Local Legislation No. 1.

By Messrs. Teague, McCluskey, Dial and Moore (O):

H. 1289. To amend the title and Section 1 of Act No. 235, H. 904, Regular Session 1965 (Acts 1965, P. 339), which provides further for redeeming land sold for taxes, transfers certain duties of the probate judge to the tax collector of certain counties classified on a population basis.

Local Legislation No. 1.

By Mr. Crawford:

H. 1290. Relating to excise taxes on motor fuels; to amend Code of Alabama 1940, Title 51, Section 647, Act No. 590, H. 392, 1939 Regular Session ((Acts 1939, p. 958, now appearing in Code of Alabama Recompiled 1958, Title 51, Section 665 (2)), Act No. 743, H. 150, 1957 Regular Session ((Acts 1957, p. 1173; now appearing in Code of Alabama Recompiled 1958, Title 51, Sections 665 (32) and (33)). Act 647, H. 484, 1961 Regular Session ((Acts 1961, p. 925; now appearing in Code of Alabama Recompiled 1958, Title 51, Sections 665 (40), (41) and (50), and Act No. 403, H. 870, 1969 Regular Session ((Acts 1969, p. 789; now appearing in Code of Alabama Recompiled 1958, Title 51, Section 665 (57)) relative to the rate of such taxes.

Ways and Means.

By Messrs. Falkenburg, Roberts, Johnson, White and Smith (C):

H. 1291. To create in the State of Alabama a "Joint Advisory Board of Family Practice" to further the supply of competent family physicians; to provide for the Board's membership number and selection; and to establish the duties and authorities of the Advisory Board.

Ways and Means.

By Mr. Crowe:

H. 1292. To provide for an automatic pay increase to state, county, and municipal employees who pass the certified professional secretary examination.

Ways and Means.

By Messrs. Smith (B) and Falkenburg:

H. 1293. Establishing, providing for appointment to and operation of a Board of Radiologic Technologists; to provide for educational and training qualification standards for radiologic technologists; to provide for examination and licensing of and annulment, revocation, or suspension of licenses of Radiologic Technologists; providing for the enforcement of this Act; providing for and prescribing penalties and fees.

Health.

By Messrs. Hilliard, Jackson (R), Jolly, Hopping and Hall:

H. 1294. To allow any city having a population of 300,000 or more according to the most recent federal decennial census to sell to a licensed gun dealer or to maintain for its own use any gun seized under the provisions of Section 173, 174, or 175 of Title 14 of the Code of Alabama 1958 recompiled and amended.

Local Legislation No. 2.

By Mr. Smith (J) (With Notice and Proof):

H. 1295. To provide for additional compensation for the official Court Reporters of the Twentieth Judicial Circuit of Alabama, for the performance of their official duties.

Local Legislation No. 1.

Notice and Proof H. 1295:

NOTICE OF PROPOSED LOCAL LEGISLATION

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To provide for additional compensation for the official Court Reporters of the Twentieth Judicial Circuit of Alabama, for the performance of their official duties.

Be It Enacted by the Legislature of Alabama:

The official Court Reporters of the Twentieth Judicial Circuit, composed of Houston and Henry Counties, shall receive, in addition to all other compensation provided by law, an additional compensation of \$2400.00 each per annum, which shall be payable in equal monthly installments, each County to pay its pro rata share of such salary based upon the assessed value of all taxable property of such County for the preceding year on certificates issued by the Judges of said Circuit in favor of said Court Reporters for the amount due by each County each month.

All laws or parts of laws which conflict with this Act are hereby repealed.

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
HENRY COUNTY

Before me, Ann Marshall Peebles, a Notary Public in and for said County, in said State, personally appeared Nathalie S. Dodd, who is known to me, and who by me being duly sworn, deposes and says that she is the Co-publisher of The Abbeville Herald, a newspaper published in the town of Abbeville, County of Henry, State of Alabama; that the attached notice is a true and correct copy of the notice which was pub-

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lished in said newspaper for four consecutive weeks, on, to-wit: April 10, 1975, April 17, 1975, April 24, 1975, May 1, 1975, The Abbeville Herald.

NATHALIE S. DODD.

Sworn to and subscribed before me, this 1st day of May, 1975.

ANN MARSHALL PEEBLES,
Notary Public.

STATE OF ALABAMA
HOUSTON COUNTY

Before me, the undersigned authority in and for said County in said State, this day, personally appeared D. H. DOLSON, who is known to me and who, being by me first duly sworn, deposes and says: That he is ADVERTISING MANAGER of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 successive weeks, on the following dates: March 26, April 2, 9, & 16, 1975 in the Dothan Eagle, which said Dothan Eagle has a general circulation in the County in which it is published and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

D. H. DOLSON.

Sworn to and subscribed before me on this 17 day of April 1975.

SARAH C. BOYDE,
Notary Public.

My Commission Expires 2-8-78.

By Mr. Smith (M) (With Notice and Proof):

H. 1296. To authorize the Chambers County Commission or other like governing body to appoint an assistant county engineer; to provide for his compensation; to prescribe certain qualifications and duties; to provide for state participation in his salary and to repeal conflicting laws.

Local Legislation No. 1.

Notice and Proof H. 1296:

STATE OF ALABAMA
COUNTY OF CHAMBERS

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the Chambers County Commission or other like governing body to appoint an assistant county engineer; to provide for his compensation; to prescribe certain qualifications and duties; to provide for state participation in his salary and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Chamber's County Commission or other like governing body shall be authorized to appoint an assistant county engineer who shall engage in no other employment and the amount of whose salary shall be such sum as may be fixed by the said county commis-

sion payable in equal monthly installments from county funds available for that purpose when properly entered into the minutes of the county commission.

Section 2. The person appointed as assistant county engineer shall be a licensed land surveyor in the State of Alabama with a minimum of five years responsible experience in civil engineering, two years of which shall have been in the maintenance and construction of highways and bridges. It shall be the duty of said assistant county engineer to perform such engineering, surveying, accounting and administrative functions as may be ordered by the county engineer or chief engineer of the division of public roads.

Section 3. When Chambers County has established the office of assistant county engineer, the State Highway Director may, upon application of the Chambers County Commission, authorize the expenditure out of the available funds of the State highway department, an amount equal to seventy percent (70 percent) of the annual salary of said assistant county engineer, to said county, which shall apply to the payment of the salary, with such payments to be made in equal monthly installments. It is provided, however, that the amount contributed or paid by the State highway department to said county, not including retirement contributions, shall not exceed sixty percent (60 percent) of the salary schedule under the Professional Civil Engineer I classification in any one year. The State Highway Director may discontinue such payment after thirty days notice in writing to said county commission and to the assistant county engineer, unless otherwise agreed to in writing with said county by contract made and entered upon the records of the Chambers County Commission.

Section 4. This Act is not mandatory but is discretionary, remedial, cumulative, and provides additional authority for the betterment of the Chambers County public road system.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA COUNTY OF CHAMBERS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Tom Walls, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Valley Times News, a newspaper of general circulation published in Chambers County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 23, June 30, July 7, and July 14, all in the year 1975.

TOM WALLS.

Sworn to and subscribed before me July 16, 1975.

BETTY V. SORRELL,
Notary.

By Messrs. Andrews, Harrison, Moore (O) and White:

H. 1297. To raise revenue: levying an additional privilege license tax upon every person, firm, or corporation who engages in the business of renting rooms, lodgings or accomodations to transients; providing for the collection and enforcement of the tax, and for the distribution of the revenue produced thereby.

Ways and Means.

By Messrs. Naramore and Crowe (With Notice and Proof):

H. 1298. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Dora in Walker County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 1298:

STATE OF ALABAMA
COUNTY OF WALKER

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the Town of Dora in Walker County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Dora, in Walker County, Alabama, are hereby altered, rearranged and extended so as to incorporate within the corporate limits of said Town, in addition to the lands now included, all of the following described territory lying and being in Walker County, Alabama, to-wit:

Begin in the Northeast corner of Section 30, Township 15, Range 5 and run West along the North section line to the Northwest corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section, Township and Range, and thence run South along the West side of the E $\frac{1}{2}$ of NW $\frac{1}{4}$ of said Section, to the Northeast corner of the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section, thence run West along the North forty line of the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ to the West section line; thence run South along the West section line to the Southwest corner of the NW $\frac{1}{4}$ of SW $\frac{1}{4}$; thence run East along the South forty lines of the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ to the Southeast corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section, thence run North along the East forty line of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$ to the Northeast corner of said forty; thence run East along the North forty line of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section to the East Section line; thence run North along the East Section line to the Northeast corner of said Section and point of beginning.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF WALKER

Before me, the undersigned authority in and for said County in said State, this day personally appeared H. S. Prince, Jr., who, being

by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Daily Mountain Eagle, a newspaper of general circulation published in Walker County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 18, June 25, July 2, and July 9, all in the year 1975.

H. S. PRINCE, JR.

Sworn to and subscribed before me July 14, 1975.

VIRGINIA STOVER,
Notary Public.

By Messrs. Holmes, Wyatt and Lewis:

H. 1299. To amend Act 618 of the Regular Session of 1973 to provide further concerning the power of the council.

Local Legislation No. 4.

By Messrs. Holmes, Wyatt, Harris and Lewis:

H. 1300. To amend Act 618 of the Regular Session of 1973 to provide further concerning publicity of records.

Local Legislation No. 4.

By Messrs. Holmes, Wyatt and Lewis:

H. 1301. To amend Act 618 of the Regular Session of 1973 to provide further concerning the powers and duties of the mayor.

Local Legislation No. 4.

By Mr. Smith (M) (With Notice and Proof):

H. 1302. To authorize the County Commission of Randolph County to provide for the relief of the Farm Bureau Insurance Company for the payment of a claim arising from a wreck between a Randolph County truck and a car driven by James East.

Local Legislation No. 1.

Notice and Proof H. 1302:

LOCAL BILL TO BE INTRODUCED

STATE OF ALABAMA COUNTY OF RANDOLPH

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To authorize the County Commission of Randolph County to provide for the relief of the Farm Bureau Insurance Company for the payment of a claim arising from a wreck between a Randolph County truck and a car driven by James East.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Randolph County is hereby authorized and empowered to appropriate the sum of \$2,824.58 from the

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general fund of the county to the Farm Bureau Insurance Company for the payment of a claim arising from a wreck between a Randolph County truck and a car driven by James East. This is a moral and just claim which the county is honor bound to pay to the Farm Bureau Insurance Company, for which it has no right of action or legal recourse for recovery.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF RANDOLPH

Before me, the undersigned authority in and for said County in said State, this day personally appeared JOHN B. STEVENSON, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was PUBLISHER-EDITOR of the ROANOKE LEADER, a newspaper of general circulation published in RANDOLPH County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 4, June 11, June 18, and June 26, all in the year 1975.

JOHN B. STEVENSON.

Sworn to and subscribed before me June 25, 1975.

OWEN N. SHELNUTT,
Notary Public.

By Messrs. White and Falkenburg:

H. 1303. Authorizing and prescribing the circumstances under which the governing body of any county having a population of 600,000 or more according to the last or any subsequent Federal decennial census shall levy an additional privilege, license or excise tax of two cents (2¢) per gallon on the sale, distribution, storage, withdrawal from storage, use or other consumption of gasoline in such county; providing for the collection and enforcement of the tax, the distribution thereof to said county and to the municipalities in said county, requiring that two per cent (2%) commission or fee for collection shall be paid to the general treasury of said county, and of the remainder, requiring that at least thirty-five per cent (35%) of such proceeds be applied by such county or each such municipality for the support of public mass transit if there be a public transit authority operating a mass transportation system or service within such county and municipality therein, and that twenty-five per cent (25%) of said proceeds allocated to the county and to each municipality therein be held by the Probate Judge or License Inspector, if there be such a License Inspector, as agent for said county and the municipalities therein, in a fund to be called The Health Contingency Fund from which sums shall be paid to the Health Department of such county pursuant to budget approval by the County Commission as the health budget control body for such county and municipalities providing that such funds paid to the Health Department shall not total less than fifty per cent (50%) of such said Health Contingency Fund with the balance of such twenty-five per cent (25%) not paid to the Health Department to be paid to the county and municipalities therein for use by the governing bodies thereof for health, welfare, and other general purposes, and that the remaining forty per cent (40%) of the proceeds of such taxes, paid over to the county and the municipi-

palities therein and any part of the aforesaid thirty-five per cent (35%) share not appropriated to such transit authority be applied for mass transit purposes and for the construction and maintenance of streets, highways, roads, bridges, overpasses, underpasses, and parking facilities or for equipment, facilities, and traffic control services respecting the use thereof by motor vehicles, or for health, welfare, and other general purposes.

Local Legislation No. 2.

By Messrs. Crowe and Naramore:

H. 1304. Relating to counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to provide for an additional expense allowance for the county superintendent of education.

Local Legislation No. 1.

By Messrs. Harrison, Boles, Hilliard, Jolly, Falkenburg, Gafford, White, Moore (O), Leonard, Howard, Porter, Armstrong, Jackson (R), Hall, Hopping, Andrews, Biddle, McNair and Waggoner:

H. 1305. To authorize and provide for the incorporation in any county having a population of not less than 600,000, according to the last or any subsequent federal decennial census, of public corporations for the purpose of promoting the industrial development of the county and municipalities therein and particularly the development and commercial use of the inland waterways in such counties through the acquisition and preparation of suitable wharves, docks, warehouses, and other port and related facilities; to provide for the election and compensation of directors of any such authority; to provide for the powers, authorities and duties of any such authority and its board of directors; specifically to authorize any such authority to acquire, construct, operate, improve and finance wharves, docks, warehouses, and other port and related facilities, and specifically to apply to the United States Foreign Trade Zones Board for permission to establish, operate and maintain a foreign trade zone and, if such permission is granted, then to establish, operate and maintain such a foreign trade zone; to confer on such authority the power of eminent domain; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered into by any such authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any port facilities or other property to any such authority; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities, and all conveyances, leases, mortgages and deeds of trust to which such authority is a party, from all taxation in the state, including license and excise taxes, levied by any county, municipality, or political subdivision of the state; to exempt such authority from pay-

ment of certain charges to judges of probate; to exempt every authority from certain tort liability; and to provide that certain employees of such authority shall be subject to and covered by any merit or civil service system applicable to the employees of the county and municipality by which the incorporation of the authority was authorized if there is such a system applicable to the employees of both the city and county, and, if there is no such system, then to either the county or municipal system, which the authority selects; and to provide for the dissolution of any such authority and the disposition of its property.

Local Legislation No. 2.

By Messrs. Biddle, Crowe, Andrews, Morris, Falkenburg, Naramore, Waggoner, Moore (O), Jolly, White, Trammell, Hopping, Porter, Hall, Sonnier, Warren, Johnson, Harris, McNees, LeFlore, Gafford, Callahan, Sandusky, McMillan, Venable, Kinsey, Malone, Wyatt, Manley, Owens, Jackson (F), Pegues, Merrill, Teague, Dial, Quarles, Reed, Holley, Crawford, Sasser, Williams, Carothers, Cates, Hines, Johnstone, Glass, Mitchem, Kelley, Rich, Taylor, Hill, Greer, Smith (B), Starkey, Albright, Gregg, Armstrong, Clark, Jackson (R), Carter, Moore (W), Martin, Higginbotham and Smith (J):

H. 1306. To establish a system of regulation and control of coal surface mining and reclamation; a declaration of public policy and legislative intent; a section defining key provisions of this act; the creation and establishment of the Alabama Surface Mining Reclamation Commission with powers and authority; establishes necessity of licenses and qualifications for obtaining licenses, and provides for permits with a right to surface mine and proper application therefor; requires a reclamation plan and map; provides for removal of certain facilities; establishes blasting regulations and setback requirements; sets application fees, bond of operator, insurance requirement, sufficiency of surety, cancellation by surety and suspension of operator's permit; provides for posting of lands; provides for entry upon lands for inspection; provides for reporting of certain information by certain purchasers of coal and provides penalties for the failure to comply; provides for confidentiality of certain records; establishes violations, administrative procedures, procedure for appeals from orders of the Commission, provides for legal remedies, enforcement provisions; and penalties; establishes the Alabama Surface Mining Reclamation Fund; provides for citizens' suits; provides for rule making procedures; provides saving and conforming provisions and establishes the effective date and orderly transition to said new act and repeals the Surface Mining Act of 1969 (Act 399 Regular Session) as to regulation of coal surface mining only; provides for approval of certain coal leases; provides for severability; sets effective date of the act.

State Administration.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Andrews:

H. J. R. 157. COMMENDING James Lawson, pastor of the Packer Memorial Baptist Church.

WHEREAS the Reverend James Lawson has faithfully served the congregation of the Packer Memorial Baptist Church; and

WHEREAS the Reverend James Lawson has devoted his life to serving ALMIGHTY GOD and helping his fellow-man; and

WHEREAS the Reverend James Lawson is a saintly man and an instrument of the HOLY SPIRIT in the leadership of GOD'S FLOCK; and

WHEREAS the Reverend James Lawson not only serves the needs of his congregation, but performs a vital service to his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we most heartily commend the Reverend James Lawson of the Packer Memorial Baptist Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of such wonderful and faithful service, and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Reverend James Lawson.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 157, on the Clerk's desk for one legislative day.

Also:

By Mr. Andrews:

H. J. R. 158. COMMENDING Daryl Jones, pastor of the Roebuck Park Baptist Church.

WHEREAS the Reverend Daryl Jones has faithfully served the congregation of the Roebuck Park Baptist Church; and

WHEREAS the Reverend Daryl Jones has devoted his life to serving ALMIGHTY GOD and helping his fellow-man; and

WHEREAS the Reverend Daryl Jones is a saintly man and an instrument of the HOLY SPIRIT in the leadership of GOD'S FLOCK; and

WHEREAS the Reverend Daryl Jones not only serves the needs of his congregation, but performs a vital service to his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we most heartily commend the Reverend Daryl Jones of the Roebuck Park Baptist Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of such wonderful and faithful service, and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Reverend Daryl Jones.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 158, on the Clerk's desk for one legislative day.

Also:

By Mrs. Quarles:

H. J. R. 159. MEMORIALIZING CONGRESS TO CHANGE THE COPYRIGHT LAW IN ORDER THAT TEACHERS IN SECONDARY AND ELEMENTARY EDUCATION MAY PHOTOCOPY OR OTHERWISE COPY MATERIALS FOR USE FOR EDUCATIONAL PURPOSES.

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WHEREAS Many teachers in secondary and elementary schools have no idea that they are violating the federal copyright laws when they photocopy or otherwise copy copyrighted materials for use in their classrooms; and

WHEREAS The federal copyright laws ought to be changed to permit such use; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the federal congress is hereby memorialized and requested to change the federal copyright laws in order that teachers in secondary and elementary schools may photocopy or otherwise copy copyrighted materials for educational and other classroom purposes.

BE IT FURTHER RESOLVED That the clerk of the house send sufficient copies of this resolution to the federal congress for distribution to each member.

The resolution, H. J. R. 159, was read and referred to the Standing Committee on Rules.

Also:

By Messrs. Teague and Plaster:

H. R. 160. WHEREAS, Members of the Alabama House of Representatives wish to take this opportunity to thank Miss Lynn Limbaugh, the Alabama Textile Queen, for her participation as a "bat girl" in the first legislative softball game ever held between the House of Representatives and the Senate, and

WHEREAS, This lovely young lady from Childersburg, who is a student at Auburn University, traveled to Montgomery on Wednesday, July 16, 1975, to add beauty and talent to this benefit ball game, and

WHEREAS, This softball game between members of these two law making bodies was played at Paterson Field Baseball Park in Montgomery, and

WHEREAS, Miss Lynn Limbaugh served not only as "bat girl" for the Alabama House of Representatives but also as "bat girl" for the Montgomery Rebels Baseball Team for whom this charity game was played,

THEREFORE, Be it resolved, that the Alabama House of Representatives expresses its sincere appreciation to Miss Lynn Limbaugh, the Alabama Textile Queen, for her outstanding support of the Alabama Legislature in their efforts to bring about a better feeling of goodwill among the people of Alabama.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 160, on the Clerk's desk for one legislative day.

Also:

By Messrs. Teague and Dial:

H. J. R. 161. COMMENDING LUTHER L. CROWE.

WHEREAS Sgt. First Class Luther L. Crowe of Troop E, 31st Cavalry, Childersburg has been awarded the Army Commendation Medal for his efforts in saving the life of James R. Hamilton; and

WHEREAS Sgt. Crowe, a member of the Alabama Army National Guard, was instrumental in saving the life of Spec. 5 James R. Hamilton by trying to stop the bleeding when Hamilton severed an artery in his arm by accidentally falling through a glass window in the orderly room at Camp Shelby last year; and

WHEREAS Sgt. Crowe's speedy actions and gallant efforts deserve much praise and recognition; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Luther L. Crowe to whom a copy of this resolution shall be sent.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 161, on the Clerk's desk for one legislative day.

Also:

By Messrs. Higginbotham and Turnham:

H. J. R. 162. MOURNING THE DEATH OF WALTER L. RICE, SR.

WHEREAS, on July 17, 1975, Walter L. Rice, Sr. a life-long resident of Lee County died after a long life of service to Opelika and Lee County; and

WHEREAS, Mr. Rice was a respected Lee County Contractor for many years, and founder of Walter L. Rice, Inc. Contractors; and

WHEREAS, Mr. Rice was a charter member of Trinity Presbyterian Church; and

Whereas, he gave unselfishly of life and commitment to his community and many friends. He was a member of the Elks Club, Masons, Shriners and former member of the Opelika Exchange Club; and

Whereas, throughout his life he had a deep sensitivity toward his fellow citizens and his philosophy for living endeared him to all who knew him; and

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, that this body does mourn the passing of Walter L. Rice, Sr., and does send sincere condolences to the surviving members of his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his children, Walter L. Rice Jr., Opelika; Mrs. Louis Nelson, Tampa, Florida; and Mrs. William H. Jones, Auburn.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 162, on the Clerk's desk for one legislative day.

Also:

By Mr. Higginbotham:

H. R. 163. WHEREAS, important constitutional questions are presented by House Bill No. 1286, a copy of which is attached hereto, now pending in the Legislature of Alabama:

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA that the Justices of the Supreme Court of Alabama are hereby respectfully requested to render their opinion

as provided by Section 34 of Title 13 of the Code of Alabama of 1940 on the following important constitutional questions:

(1) Does the bill contain more than one subject in violation of Section 45 of the Constitution?

(2) Is the subject of the bill clearly expressed in its title, as required by Section 45 of the Constitution?

(3) Does the bill violate the provisions of Section 94 of the Constitution?

(4) Do the provisions of the bill authorizing Municipal Electric Authorities, as public corporations, to exercise any one or more of the powers, rights and privileges jointly or in common with one or more other parties, authorities, cooperatives, corporations or utilities, public or private, to own an undivided interest in electric generation, transmission, transformation and distribution facilities with such other parties, to designate one or more of such parties as agent and to delegate powers and duties to such agent violate Section 94 of the Constitution?

(5) Does the bill violate the provisions of Section 93 of the Constitution?

(6) Does the bill constitute a special act conferring corporate powers in violation of Section 229 of the Constitution?

(7) Do the provisions of the bill which authorize the incorporation of Municipal Electric Authorities violate Section 104(6) of the Constitution?

(8) Does the bill violate Section 222 of the Constitution by authorizing the issuance of bonds without an election of the qualified voters of the municipalities, the governing bodies of which have authorized the organization of a public corporation, as contemplated by said bill?

(9) Does the bill violate Section 225 of the Constitution by authorizing the issuance of bonds and other securities without regard to the limitation of indebtedness prescribed by said Section 225?

(10) Do the provisions of the bill which state the manner whereby votes of the Board of Commissioners of a Municipal Electric Authority shall be distributed violate the due process clause of Section 6 of the Constitution?

The resolution, H. R. 163, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Kinsey:

H. J. R. 164. CONGRATULATING SANDRA PARKER FOR BEING NAMED CHAMPION SKEET SHOOTER.

WHEREAS Sandra Parker has recently been named Ladies State Champion Skeet Shooter with a 28 gauge shotgun; and

WHEREAS in addition to the state championship, she brought home two second place and one third place medals from the Big Oaks Skeet and Trap Club at Lacey's Springs; and

WHEREAS she hit 93 out of 100 rounds to win the state championship with a 28 gauge shotgun; and

WHEREAS Sandra Parker has won or placed at the Firecracker Open and the Ladies Skeet at the Chickasaw Gun Club; and

WHEREAS Ms. Parker's natural shooting ability became apparent when she scored 50 straight shots approximately six months after she started shooting; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we offer our hearty congratulations to Ms. Sandra Parker upon being named champion skeet shooter.

BE IT RESOLVED FURTHER, That a copy of this resolution be sent to Ms. Sandra Parker.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 164, on the Clerk's desk for one legislative day.

Also:

By Messrs. Holmes, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMullan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 165. REGRETTING THE RECENT INJURY OF OUR COLLEAGUE REPRESENTATIVE RAY BURGESS AND WISHING HIM A SPEEDY RECOVERY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all members of this body regret the recent injury of our friend and colleague Representative Ray Burgess and send our best wishes for a speedy recovery.

On motion of Mr. Holmes, the rules were suspended and the resolution, H. J. R. 165, was adopted.

Also:

By Mr. Venable:

H. R. 166. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House adjourns today, it adjourns to meet again at 12:00 o'clock noon on Thursday, July 24, 1975.

On motion of Mr. Venable, the rules were suspended and the resolution, H. R. 166, was adopted.

RESOLUTIONS

The following resolutions introduced on the fifteenth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 145. CONGRATULATING THE HUNTSVILLE-MADISON COUNTY PUBLIC LIBRARY ON OBTAINING AN FCC PERMIT AND CONSTRUCTION AWARD.

H. J. R. 150. CONGRATULATING MISS JOSEPHINE BOOKER UPON HER RETIREMENT.

H. J. R. 151. CONGRATULATING MRS. JESSIE RYAN.

H. J. R. 152. COMMENDING WAYNE JONES, PASTOR OF THE EASTSIDE BAPTIST CHURCH.

H. J. R. 153. COMMENDING JACK LEGRAND, PASTOR OF THE GLEN IRIS BAPTIST CHURCH.

On motion of Mr. Crowe, the resolutions were adopted en masse.

BILLS ON THIRD READING

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Smith (C), the rules were suspended in order to bring up out of order the bill, H. 556.

And the bill:

H. 556. (With Substitute): To amend Section 6, as amended, and Section 7 of Act No. 27, S. 30, Regular Session 1949 [Acts 1949, p. 39-42 now appearing in Code of Alabama, Recompiled 1958, Title 55, Sections 133 (1) and 140 (1)] [entitled "An Act To prescribe further regulations governing the publication of the acts and journals of the Legislature; imposing additional duties upon the Secretary of the Senate, the Clerk of the House, and Legislative Reference Service, and prescribing penalties for neglect of duty; superseding Sections 125, 126, 127, 129, 130, 131, 133, 134, 140, 141, 142, 143, and 144 of Title 55 of the Code of Alabama (1940)"] so as to change certain procedures relating to the printing, publication and distribution of the acts and journals of the legislature and to repeal conflicting statutes.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To amend Section 6, as amended, and Section 7 of Act No. 27, S. 30, Regular Session 1949 [Acts 1949, p. 39-42 now appearing in Code of Alabama, Recompiled 1958, Title 55, Sections 133 (1) and 140 (1)] entitled "An Act To prescribe further regulations governing the publication of the acts and journals of the Legislature; imposing additional duties upon the Secretary of the Senate, the Clerk of the House, and Legislative Reference Service, and prescribing penalties for neglect of duty; superseding Sections 125, 126, 127, 129, 130, 131, 133, 134, 140, 141, 142, 143, and 144 of Title 55 of the Code of Alabama (1940)"] so as to change certain procedures relating to the printing, publication and distribution of the acts and journals of the legislature and to repeal conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6, as amended, and Section 7 of Act No. 27, S. 30, Regular Session 1949 [Acts 1949, p. 39-42-now appearing in Code of Alabama, Recompiled 1958, Title 55, Sections 133 (1) and 140 (1)] are hereby amended to read as follows:

"Section 6. (a) The printer must, within ninety days after being furnished a copy of the last act, print, as herein provided, package or box in complete sets, and deliver to the secretary of state two thousand five hundred distribute pursuant to an address list furnished by the secretary of state two thousand copies of the bound acts, which copies shall be indexed, stitched, half-bound, and lettered.

"(b) Within one hundred eighty days after receipt of the copy from the secretary of the Senate and clerk of the house of representatives, which period shall include the thirty days mentioned in Section 5 (c), the printer must deliver to the secretary of state distribute in packaged or boxed sets pursuant to an address list furnished by the secretary of state eight hundred five hundred and fifty copies of the journal of each house which copies shall also be indexed, stitched, half-bound, and lettered.

"Section 7. (a) Within three working days after an enrolled bill or joint resolution has been delivered to and filed in the office of the secretary of state, it shall be numbered, in the order in which it is received, and a copy of each general act shall be placed in the hands of the printer by the secretary of the senate or clerk of the house, as the case may be. The printer must immediately print fifteen twelve hundred copies in slip or pamphlet form in accordance with Section 9, which the printer shall distribute as follows: two copies for every member and officer of the legislature, which copies shall be delivered to the secretary of the senate and the clerk of the house of representatives; —two copies to every state officer in the capitol; twenty-five copies to the supreme court library; twenty copies to the law library at the University of Alabama; two hundred fifty fifty copies to the department of archives and history; one copy to every judge of a court of record, circuit clerk, register of the circuit court, circuit solicitor, deputy circuit solicitor, county solicitor, and sheriff; and the remainder shall be delivered to the secretary of state.

"(b) Each probate judge, circuit clerk, register of the circuit court, and sheriff shall preserve in his office, in a book kept for that purpose, each pamphlet furnished him until the acts are published in permanent form. Pamphlet acts shall be open to public inspection during regular business hours."

Section 2. All laws or parts of laws in conflict with this act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Gafford, Goodwin, Greer, Gregg, Hall, Hill, Hines, Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McCulley, McMillan, Malone, Martin, Mitchem,

Moore (O), Moore (W), Owens, Pegues, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Whatley, White and Williams.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Hoping as co-sponsor to the bill, H. 556.

And the bill, H. 556 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Hoping, Howard, Jackson (F), Jackson (R), Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, McCulley, McMillan, Malone, Martin, Mitchem, Moore (O), Moore (W), Owens, Porter, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Whatley, White and Williams.

—69

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Kinsey, the rules were suspended in order to bring up out of order the bill, H. 67.

And the bill:

H. 67. (With Amendment): To amend Title 52, Section 322, to provide for certification of nurses to serve in the position of professional school nurse and to provide that prior to the issuance of such certificate the applicant shall have met all requirements prescribed by the State Board of Nursing for license as a Registered Nurse.

Having been postponed on the fifteenth legislative day with pending substitute, was taken up.

H. 67 INDEFINITELY POSTPONED

On motion of Mr. Kinsey, the bill, H. 67 and pending substitute, was indefinitely postponed.

And the bill:

H. 920. To provide for additional expense allowances for certain public officials in Washington County.

Was taken up.

H. 920 POSTPONED

On motion of Mr. McCulley, the bill, H. 920, was postponed to the seventeenth legislative day.

And the bill:

H. 751. To authorize and empower the director of the Madison County License Department to charge and collect a fee of \$1.00 for

the performance of duties relative to the recording of the transfer of ownership of motor vehicles as prescribed in Title 51, Section 706, Code of Alabama 1940, as last amended; to provide that all fees so collected shall be the property of the county and shall be paid into the general fund of the county; to repeal conflicting laws.

Having been postponed on the fifteenth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Crowe, Drake, Edwards, Falkenburg, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Porter, Reed, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Venable, Whatley, White, Williams and Wyatt.

—67

And the bill:

H. 1047. Relating to Lauderdale County; to further amend Sections 1, 2, 3, 4, 7, 8 and 10 of Act No. 296 adopted by the 1949 Regular Session of the Legislature of the State of Alabama approved July 28, 1949 (Acts of Alabama of 1949, pp. 426 to 433), as amended by Act No. 470 adopted by the 1959 Regular Session of the Legislature of Alabama, approved November 13, 1959 (Acts of Alabama of 1959, Vol. 2, pp. 1165-1170), relating to privilege or license taxes or excise taxes in Lauderdale County (outside the corporate limits of the City of Florence) and in the City of Florence, Lauderdale County; levying in such county (outside the city limits of Florence) and in such municipality additional privilege license and excise taxes paralleling the state sales and use taxes provided for in Act No. 100, Second Special Session 1959 (Acts 1959, p. 298), as amended, and in Articles 11, 11A and 11B, Title 51, Code of Alabama, 1940, as amended; providing that the taxes levied in Sections 1 and 3 of this Act shall be subject to all of the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Act No. 100, adopted by the 1959 Second Special Session of the Legislature of Alabama, approved August 18, 1959, as amended, except where inapplicable or where herein otherwise provided; providing that the taxes levied in Sections 2 and 4 of this Act shall be subject to all of the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Articles 11, 11A and 11B of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, except where inapplicable or where herein otherwise provided; providing for the alternative collection of such taxes and the enforcement and administration of the Act by the State Department of Revenue if authorized and directed by the governing body of Lauderdale County; and further providing a procedure by which the governing body of Lauderdale County may discontinue availing itself of the alternative collection of such taxes and the enforcement of the Act by the State Department of Revenue after election to invoke such alternative collection and enforcement procedures has been made.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Crowe, Drake, Falkenburg, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holley, Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, McMillan, McNeas, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Porter, Quarles, Reed, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Whatley, White, Williams and Wyatt.

—67

And the bill:

H. 1099. To apply in all counties having populations of not less than 55,500 nor more than 56,000, according to the most recent Federal decennial census, regulating the compensation of election officers.

Was taken up.

Mr. Crowe offered the following amendment to the bill:

In the title and Section 1 strike the number "56,000" and insert in lieu thereof the following:

56,500

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Holley, Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNeas, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Owens, Porter, Reed, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Whatley, White, Williams and Wyatt.

—67

And the bill:

H. 1099. To apply in all counties having populations of not less than 55,500 nor more than 56,500, according to the most recent Federal decennial census, regulating the compensation of election officers.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Drake, Falkenburg, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham,

Holley, Hopping, Howard, Jackson (F), Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Reed, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Whatley, White, Williams and Wyatt.

—65

And the bill:

H. 1128. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Drake, Edwards, Falkenburg, Gafford, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Whatley, White, Williams and Wyatt.

—71

And the bill:

H. 1159. To alter or rearrange the boundary lines of the City of Geneva, Geneva County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Geneva County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Gafford, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Holley, Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Whatley, White, Williams and Wyatt.

—71

And the bill:

H. 1198. To amend Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), entitled "An Act Relating to Choctaw County; to provide for the appointment of the County Superintendent of Education; to prescribe the qualifications, duties, term of office, and compensation of such offices; and to repeal all conflicting laws" relative to the compensation of the Superintendent of Education; and to repeal Section 5 of said Act No. 2312.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Gafford, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Porter, Quarles, Reed, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Whatley, White, Williams and Wyatt.

—71

H. 751 RECONSIDERED

Having voted on the prevailing side, Mr. Gregg moved to reconsider the vote by which the bill, H. 751, was passed, and the motion was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Drake, Falkenburg, Gafford, Greer, Gregg, Hall, Higginbotham, Hill, Holley, Howard, Jackson (F), Johnstone, Kelley, Killian, Lee, LeFlore, Lewis, Lutz, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Quarles, Reed, Riddick, Roberts, Sandusky, Smith (B), Smith (J), Sonnier, Sparks, Teague, Trammell, Whatley, White and Williams.

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H. 751 POSTPONED

On motion of Mr. Gregg, the bill, H. 751, was postponed to the seventeenth legislative day.

And the bill:

H. 69. (With Amendments): To amend Section 149 of Act 407, Acts of Alabama 1971 codified into Section 149, Title 28A, Code of Alabama 1940 (recompiled 1958) by reducing the time required to be run before action can be taken against violators violating the provisions of the Insurance Code pertaining to property and casualty agents.

Having been postponed on the fifteenth legislative day, was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Insurance, said committee amendment being as follows:

Amend H. B. 69 by deleting the phrase "Section 2" from line 42 of page 1.

And the amendment was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Callahan, Carothers, Cates, Clark, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Holley, Jackson (F), Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McCulley, McMillan, McNeas, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Pegues, Quarles, Reed, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Whatley, White, Williams and Wyatt.

—64

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Insurance, said committee amendment being as follows:

Amend H. B. 69 by deleting the numbers "3" and "4" as they appear on lines 57 and 63, respectively, of page 3 and substitute in their stead the numbers "2" and "3" on lines 57 and 63 respectively, on page 3; delete the number "5" as it appears on line 3 of page 4 and substitute in its stead the number "4".

And the amendment was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Jackson (F), Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lutz, McCulley, McMillan, McNeas, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Pegues, Quarles, Riddick, Roberts, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Teague, Venable, Whatley, White, Williams and Wyatt.

—61

And the bill, H. 69 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Howard, Jackson (F), Jackson (R), Johnson, Jolly,

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Kelley, Kennedy, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Porter, Quarles, Reed, Riddick, Roberts, Robertson, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Venable, Whatley, White, Williams and Wyatt.

—69

And the bill:

H. 70. To provide for the enforcement of rules and regulations promulgated by the Commissioner of Insurance, as provided for in Section 28 of Act 407, Acts of Alabama, 1971, codified into Section 28, Title 28A, Code of Alabama 1940 (recompiled 1958).

Having been postponed on the fifteenth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Holley, Hopping, Jackson (F), Jackson (R), Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Porter, Reed, Rich, Riddick, Roberts, Robertson, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Whatley, White, Williams and Wyatt.

—79

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Campbell, the rules were suspended in order to bring up out of order the bill, H. 902.

And the bill:

H. 902. To name the new student union building at Livingston University "The George C. Wallace Union Building."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Whatley, White, Williams and Wyatt.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show that Mr. Gregg would have voted "Yea" on the bill, H. 251, had he been in the Chamber at the time of voting.

BILLS ON THIRD READING RESUMED

And the bill:

H. 339. To provide this state with standards for the uniform recognition of acknowledgments by notaries public and other authorized officials; and to prescribe short forms of acknowledgment.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lewis, Lutz, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Porter, Quarles, Reed, Riddick, Roberts, Robertson, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Venable, Warren, Whatley, White, Williams and Wyatt.

—71

And the bill:

H. 899. (With Amendments): Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18 (f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Banking, said committee amendment being as follows:

Delete Section 1, sub-section 2 of House Bill 899 and substitute in lieu thereof the following:

"2. Such loans are provided by private, regulated lenders who provide lendable funds without benefit of publicly insured savings and demand deposits and who secure capital privately, largely through national commercial money markets which operate without regard to state boundaries. The expense of securing capital through such markets, of

making loans of this nature, and of collecting such loans is necessarily high because of the amounts generally lent, the security taken and the amount of risk assumed."

And the amendment was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Crowe, Dial, Edwards, Falkenburg, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Jolly, Kelley, Lee, LeFlore, Lewis, Lutz, McCulley, McMillan, McNees, Martin, Mitchem, Owens, Pegues, Quarles, Reed, Roberts, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Venable, White and Wyatt.

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The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Banking, said committee amendment being as follows:

Delete Section 21, sub-section (b) of House Bill 899 and substitute in lieu thereof the following:

"(b) Any person having a license under Alabama Consumer Credit Act of 1971 (Act No. 2052 of the 1971 Regular Session of the Legislature of Alabama, as amended), in force when this Act becomes effective may within four months from and after effective date of this Act, file an application with the supervisor and pay the application fee and immediately and as a matter of right, receive a license hereunder, and any such license so issued, shall be subject to revocation pursuant to the applicable provisions of this Act, except that such license may not be revoked nor renewal thereof denied upon the ground that the convenience and advantage of a community where the license is located, will not be promoted by the operation therein of such business."

And the amendment was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Jackson (F), Jolly, Kelley, Lee, LeFlore, Lewis, Lutz, McMillan, McNees, Martin, Mitchem, Moore (O), Moore (W), Owens, Reed, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Venable, White and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on Banking, said committee amendment being as follows:

Delete Section 23, sub-section (c) of House Bill 899 and substitute in lieu thereof the following:

"(c) **Effect of Other Laws.** Licensees making loans under this Act shall not be subject to provisions of Alabama Consumer Credit Act of 1971 (Act No. 2052 of the 1971 Regular Session of the Legislature of Alabama, as amended), or to the limitations contained in Title 9, Code of Alabama 1940, as amended or recompiled, or to any other laws of the State of Alabama which are in conflict with the provisions herein. Loans made under said Consumer Credit Act Act No. 2052 of the 1971 Regular Session of the Legislature of Alabama or under said Title 9 shall not be subject to the provisions of this Act. Nothing herein shall be construed to repeal, amend or modify the provisions of Act No. 3 of the 1969 Regular Session (General Acts Alabama, Regular Session 1969, p. 297) and of Act No. 4 of the 1969 Regular Session (General Acts Alabama, Regular Session 1969, p. 297). It is the express legislative intent that the aforementioned acts be and remain in full force and effect and any loans made pursuant thereto by any licensee hereunder shall be deemed to have been made under the aforementioned acts and not under the provisions of this Act and nothing in this Act shall be construed to prevent, prohibit or bar the licensee hereunder from making loans under the aforementioned named acts."

And the amendment was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Jolly, Kelley, LeFlore, Lewis, Lutz, Martin, Mitchem, Moore (W), Quarles, Reed, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Venable, White and Wyatt.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Gafford offered the following amendment to the bill, H. 899 as amended:

Amend Subsection (b) of Section 3 on page (3) line 32 by inserting after the words "trust companies" the words "life insurance companies".

And the amendment was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Drake, Falkenburg, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hopping, Johnstone, Jolly, Kelley, Lee, Lewis, Lutz, McMillan, McNees, Martin, Mitchem, Moore (O), Moore (W), Owens, Reed, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Venable, Warren, White, Williams and Wyatt.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO POSTPONE TABLED

On motion of Mr. Gafford, the motion offered by Mr. Tucker to postpone the bill, H. 899 as amended, to the eighteenth legislative day, was tabled.

Yeas 43; Nays 26.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Carothers, Carter, Cates, Clark, Crawford, Cross, Dial, Drake, Falkenburg, Gafford, Glass, Gregg, Higginbotham, Holley, Hopping, Jolly, Kelley, Lee, Lutz, McNees, Martin, Mitchem, Moore (O), Morris, Owens, Riddick, Roberts, Sandusky, Shelton, Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, White and Williams.

—43

Nays:

Messrs.: Albright, Boles, Edwards, Greer, Hall, Harrison, Hilliard, Holmes, Howard, Jackson (R), Johnson, Kennedy, Killian, LeFlore, Leonard, Lewis, Lockett, McNair, Malone, Manley, Porter, Quarles, Rich, Taylor, Tucker and Warren.

—26

MOTION TO POSTPONE TABLED

On motion of Mr. Gafford, the motion offered by Mr. Holmes to postpone the bill, H. 899 as amended, to the seventeenth legislative day, was tabled.

Yeas 42; Nays 24.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Callahan, Carter, Cates, Clark, Coburn, Cross, Dial, Drake, Falkenburg, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Holley, Hopping, Jolly, Lee, Lewis, Lutz, McCulley, Martin, Mitchem, Morris, Owens, Roberts, Sandusky, Shelton, Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Whatley, Williams and Wyatt.

—42

Nays:

Messrs.: Boles, Edwards, Hall, Harrison, Hilliard, Hines, Holmes, Howard, Jackson (R), Johnson, Johnstone, Kennedy, Killian, LeFlore, Leonard, McNair, Malone, Porter, Rich, Riddick, Smith (J), Taylor, Tucker and Warren.

—24

MOTION TO ADJOURN LOST

The motion offered by Mr. Holmes that the House adjourn until 12:00 o'clock noon, Thursday, July 24, 1975, was lost.

MOTION TO POSTPONE TABLED

On motion of Mr. Gafford, the motion offered by Mr. Tucker to postpone the bill, H. 899 as amended, to the twentieth legislative day, was tabled.

Yeas 46; Nays 15.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Brindley, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cross, Dial, Drake, Falkenburg, Gafford, Goodwin, Greer, Gregg, Harris, Higginbotham, Holley, Hopping, Jackson (F), Jolly, Lee, Lutz, McCulley, Martin, Mitchem, Moore (O), Morris, Owens, Quarles, Roberts, Sandusky, Smith (M), Sonnier, Sparks, Teague, Warren, Whatley, White, Williams and Wyatt.

—46

Nays:

Messrs.: Harrison, Hilliard, Holmes, Jackson (R), Johnson, Johnstone, Killian, Leonard, Lewis, McNair, McNees, Manley, Rich, Taylor and Tucker.

—15

And the bill, H. 899 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 14.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Dial, Drake, Falkenburg, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Holley, Hopping, Jackson (F), Jolly, Kelley, Kinsey, Lutz, McCulley, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Owens, Roberts, Sandusky, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Teague, Venable, Whatley, White, Williams and Wyatt.

—54

Nays:

Messrs.: Harrison, Hilliard, Holmes, Howard, Jackson (R), Johnson, Leonard, Lewis, McNair, Malone, Rich, Taylor, Tucker and Warren.

—14

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show that Mr. Riddick would have voted "Nay" on the bill, H. 899 as amended, had he been in the Chamber at the time of voting.

Unanimous consent was granted for the Journal to show that Mr. Starkey would have voted "Yea" on the bill, H. 899 as amended, had he been in the Chamber at the time of voting.

RESOLUTION

The following resolution was introduced:

By Mr. Kinsey:

H. J. R. 167. COMMENDING MRS. HATTIE SMITH.

WHEREAS Mrs. Hattie Smith was recently elected by the Alabama Chamber executives as first vice-president of their statewide association; and

WHEREAS the charming Mrs. Smith has been manager of the South Baldwin Chamber of Commerce for the past five years; and

WHEREAS she has been a member of the board of directors of the Chamber of Commerce Executives Association for three years and has held the office of second vice-president during 1974-75; and

WHEREAS the lovely Mrs. Smith has tirelessly and consistently given of herself to her community and state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend this fine lady who is an asset to the State of Alabama.

RESOLVED FURTHER That a copy of this resolution be sent to Mrs. Hattie Smith.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 167, on the Clerk's desk for one legislative day.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Coburn, the rules were suspended in order to bring up out of order the bill, H. 858.

And the bill:

H. 858. To provide for supplementing the salaries or compensation paid to retired or supernumerary circuit judges in the Thirty-First Judicial Circuit.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, McNair, McNeese, Manley, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Reed, Rich, Robertson, Sandusky, Shelton, Smith, (B), Smith (M), Sonnier, Sparks, Taylor, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—69

RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. J. R. 168. COMMENDING REPRESENTATIVE HUGH MERRILL AND SENATOR GEORGE McMILLAN FOR THEIR WORK ON PASSAGE OF THE BILL GRANTING FULL ADULT RIGHTS TO 19 YEAR OLDS.

WHEREAS Representative Hugh Merrill and Senator George McMillan are the sponsors and chief proponents of the recently enacted bill providing full adult rights to persons 19 years of age or older; and

WHEREAS Representative Merrill and Senator McMillan have worked diligently for passage of this bill since 1973; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Representative Hugh Merrill and Senator George McMillan are commended for their work on passage of the bill granting full adult rights to 19 year olds.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Representative Merrill and Senator McMillan.

BE IT FURTHER RESOLVED, That this Act shall be known as the "Merrill-McMillan Adult Rights Act".

On motion of Mr. Manley, the rules were suspended and the resolution, H. J. R. 168, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 236. To amend Title 3, Section 11, Code of Alabama, 1940, as amended, pertaining to cruelty to animals.

Was taken up.

H. 236 POSTPONED

On motion of Mr. Hill, the bill, H. 236, was postponed to the eighteenth legislative day.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show that Mr. Malone would have voted "Nay" on the bill, H. 899 as amended, had he been in the Chamber at the time of voting.

RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. R. 169. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES;

Pursuant to the notice in writing given on the last legislative day, I now move that House Rule 11 be amended to read as follows:

Rule 11. No bill or joint resolution shall be received unless it is written on an entire sheet of paper, and if funding be involved, a statement of the source of the funding is included in the Synopsis to the bill.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 169, was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Clark, Coburn, Cross, Dial, Drake, Edwards, Falkenburg, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill,

Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—79

BILLS ON THIRD READING RESUMED

And the bill:

H. 237. To provide for the barring of all actions against, and immunity from any actions for, all persons who performed or furnished the design, planning, supervision, observation, or construction of improvements on real property, whether based on contract or tort, for damages arising out of any act or omission of such persons in the design, planning, supervision, observation, or construction of such improvements, even though the injury did not occur and the cause of action could not reasonably have been discovered within a period of seven years, unless such actions commenced within said seven years next after completion of the improvement, except that if injury to the person or property occurred during the seventh year after such completion, an action in tort to recover damages for such an injury including an injury causing wrongful death, may be brought within one year of the date of such injury; and to repeal conflicting laws.

Was taken up.

H. 237 POSTPONED

On motion of Mr. Hill, the bill, H. 237, was postponed to the seventeenth legislative day.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Carter, the rules were suspended in order to bring up out of order the bill, H. 775.

And the bill:

H. 775. To exempt trucks used by farmers, custom harvesters or husbandmen from state weight regulations when such trucks are used exclusively for the purpose of transporting agricultural commodities or products to and from a farm.

Was taken up.

MOTION TO POSTPONE TABLED

On motion of Mr. Carter, the motion offered by Mr. Gregg to postpone the bill, H. 775, to the seventeenth legislative day, was tabled.

Yeas 75; Nays 8.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Harris, Higginbotham, Hilliard, Hines, Howard, Jackson (F), Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Nara-

more, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—75

Nays:

Messrs.: Gregg, Holley, Holmes, Johnstone, Leonard, Lewis, McNair and Weeks.

—8

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Carothers as co-sponsor to the bill, H. 775.

The question was then on the passage of the bill, H. 775, and the bill was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 3.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—81

Nays: Messrs. Albright, Johnstone and Leonard.

—3

RESOLUTION

The following resolution was introduced:

By Mr. Pegues:

H. J. R. 170. WHEREAS, under the provisions of Senate Joint Resolution 14, Act No. 4, of the Regular Session of the Legislature, 1975, a Select Joint Committee was created to study the rising cost to the State of the Medicare and Medicaid programs. This committee was charged with reporting its findings to the Legislature not later than the fifteenth legislative day, and

WHEREAS, because of the extensive study being made by this committee we request an additional ten (10) legislative days before submitting our final report.

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That the life of this committee be extended 10 Legislative days.

On motion of Mr. Pegues, the rules were suspended and the resolution, H. J. R. 170, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 143. (With Amendments): To provide for privileged communications with clergymen.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 143 in Section 1 (b) of said bill by adding the word pastor followed by a , immediately after the comma following the word "minister" on line 18 of page 1 of the bill.

And the amendment was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Drake, Edwards, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holmes, Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Kinsey, LeFlore, Lewis, Lockett, McCluskey, McMillan, McNair, McNees, Malone, Martin, Merrill, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Venable, Weeks, White, Williams and Wyatt.

—70

The question was then on the adoption of the Amendment No. 2 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 143 in Section 1 (b) of said bill by striking the . (punctuation mark period) on line 22 of page 1 of the bill and inserting immediately in lieu thereof the following:

, and who is a designated minister, pastor, priest, rabbi or practitioner of an established church or other religious organization.

And the amendment was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Drake, Edwards, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Lewis, Lockett, McCluskey, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Warren, Weeks, White, Williams and Wyatt.

—75

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 143 in Section 2 (c) of said bill by deleting the word either in line 31 and the words or the clergyman in line 31 on page 1 of the bill.

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Warren, Weeks, White, Williams and Wyatt.

—81

MOTION TO POSTPONE TABLED

On motion of Mr. Lutz, the motion offered by Mr. White to postpone the bill, H. 143 as amended, to the seventeenth legislative day, was tabled.

Yeas 64; Nays 9.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Edwards, Folmar, Goodwin, Harris, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (F), Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Porter, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Sonnier, Sparks, Starkey, Taylor, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—64

Nays:

Messrs.: Clark, Gafford, Hall, Holley, Johnson, Lewis, McNair, Smith (J) and White.

—9

The question was then on the passage of the bill, H. 143 as amended, and the bill was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 5.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Harris, Hilliard,

REGULAR SESSION
16th Day

1179

Hines, Holmes, Hopping, Howard, Jackson (F), Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—77

Nays: Messrs. Clark, Holley, Johnson, Lee and Lewis.

—5

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 9:00 A.M. On July 22, 1975.

H. J. R. 76

H. J. R. 77

H. J. R. 83

H. J. R. 86

H. J. R. 88

H. J. R. 89

H. J. R. 91

H. J. R. 92

H. J. R. 93

H. J. R. 97

H. J. R. 99

H. J. R. 40

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

Pursuant to the resolution, H. R. 166, heretofore adopted and on motion of Mr. McCulley, the House adjourned until 12:00 o'clock noon, Thursday, July 24, 1975.

SEVENTEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, July 24, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Bill Hall, Minister, First Baptist Church, Jackson, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—103

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixteenth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the sixteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the sixteenth legislative day was approved.

LEAVE OF ABSENCE

On motion of Mr. Crowe, leave of absence was granted for Mr. Burgess, due to illness.

RESOLUTION

The following resolution was introduced:

By Messrs. Robertson, McCorquodale, Johnson, Lee, Clark, Howard, Owens, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callhan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. R. 171. COMMENDING DR. DAVID MATHEWS.

WHEREAS Dr. David Mathews, president of the University of Alabama, has recently been confirmed by the U. S. Senate as U. S. Secretary of Health, Education and Welfare; and

WHEREAS Dr. Mathews will certainly serve the nation with the same distinction with which he has served the University of Alabama; and

WHEREAS Dr. Mathews exemplifies those qualities of leadership and dedication which make him an asset and a source of pride to the State of Alabama; and

WHEREAS this legislature would like to pay tribute to this great, but humble man who has made outstanding contribution to the State of Alabama; and

WHEREAS Dr. Mathews has the support of all the members of this body, who are honored to have him in their presence today; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That we most heartily commend and congratulate Dr. David Mathews and wish him success in his new position.

RESOLVED FURTHER, That a copy of this resolution be sent to Dr. Mathews.

On motion of Mr. Robertson, the rules were suspended and the resolution, H. R. 171, was adopted.

LEAVE OF ABSENCE

On motion of Mr. Harrison, leave of absence was granted for Mr. Cooper for the sixteenth and seventeenth legislative days, for military duty.

BILLS ON SECOND READING

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 332. (With Substitute): To provide for the regulation of professional dispensing opticians in Alabama; to create the Alabama Board of Dispensing Opticians and to prescribe its powers, duties and operation; to define the practice of dispensing opticians; to provide for the examination and licensing of dispensing opticians, prescribing fees therefor, and to provide for the enforcement of the provisions of this Act, and the procedures for such enforcement.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 752. To amend Code of Alabama 1940, Title 15, Section 100 and 104 which provided for the issuance and execution of search warrants by a local magistrate, based on probable cause, so as to provide for the issuance to and the execution of such search warrants by any officer

of the Alabama Bureau of Investigation or any officer of the Intelligence Unit of the Department of Public Safety, as well as the sheriff or constable.

H. 656. To amend Section 2, of Act No. 91, H. 70, 1961 Regular Session (Acts of Alabama, 1961, p. 105); Now appearing in the Code of Alabama 1940, Recompiled 1958, Title 49, Section 17 (31c), relating to the authority of the Commissioner of the State Department of Pensions and Security to destroy certain obsolete records, so as to reduce the retention requirement on certain case record material from ten to five years.

H. 657. To amend Section 3 and to amend further Section 4, as amended, of Title 27, Code of Alabama 1940, relating to adoptions, so as to further regulate consent for adoption of a child and notice of adoption proceedings; to correct certain technical errors in said Section 4; and to specify the age at which an adopted child may obtain information relative to his adoption from the state registrar of vital statistics.

H. 1210. To amend Section 11 of Act No. 492 of the General Acts of the Regular Session of the Alabama Legislature of 1947 so as to provide that after completion of 50% of the contract no additional retainage will be withheld.

H. 676. To amend Title 36, Section 67, Code of Alabama 1940, so as to require that a person must obtain an Alabama driver's license within thirty days of the date that he makes his residence within the State of Alabama.

H. 1255. Providing a white cane law for Alabama, including provisions to ensure full and equal accommodations to the blind and otherwise disabled, the right to be accompanied by a guide dog, penalties for failure on the part of a driver to take necessary precautions to avoid injuring blind pedestrians; penalties for denial or interference with admittance of blind or otherwise disabled persons to public facilities or for otherwise interfering with the rights of such persons; setting forth a state employment policy towards the blind; and providing that blind and otherwise disabled persons shall be entitled to equal access to housing accommodations offered for rent, lease, or compensation in this state.

H. 821. Relating to the State Personnel Board; to increase the number of members on said board from three to five; providing for the selection, appointment, term of office and compensation of the additional two members.

H. 1104. To authorize the Division of State Parks, Monuments and Historical Sites of the Department of Conservation and Natural Resources to do and perform through its own labor force maintenance within the parks system and capital improvement projects not exceeding Five Thousand Dollars (\$5,000) in material cost and to further authorize said Division to purchase equipment and materials for said maintenance or capital improvement projects and to provide for the approval of accounting procedures by the Examiners of Public Accounts.

H. 1105. To authorize the Commissioner of the Department of Conservation and Natural Resources to appoint and designate as many employees of the Division of State Parks, Monuments and Historical Sites as he deems necessary to enforce the laws of the State and the rules and regulations of the Department; to prescribe their powers and duties.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 859. (With Substitute): To provide that all teachers, administrators and professional staff members of all state supported junior and technical colleges, excluding the academic dean and president of such colleges, shall have the same tenure rights as teachers in the public school system; such teachers, administrators and professional staff members shall receive tenure after three years; and time already served shall count toward the necessary three years.

H. 173. (With Substitute): To amend Title 52, Section 8, Code of Alabama, 1940, by deleting the prohibition of educators serving as members of the state board of education.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1197. To amend further Section 388, Title 14, Code of Alabama 1940, relating to the duties of the state toxicologist so as to allow him to microfilm records in lieu of maintaining original reports as currently required.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 207. (With Amendment): To provide that school principals shall supervise the operation and management of schools under policies determined by local boards of education and to assign school principals supervisory responsibilities and the coordination of instructional leadership under the direction of the local school superintendent.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 381. (With Amendment): Relating to registration of voters; requiring each board of registrars to hold sessions in the evening hours or on Saturdays in order to register voters; providing for the payment of registrars for these sessions; providing for notice of these meetings; repealing inconsistent laws; providing for the severability of this Act; establishing the effective date.

H. 602. (With Amendment): Proposing an amendment to Article 4, Section 106 of the Constitution of Alabama to reduce the time required for publication of notice of local legislation and also dispensing with the requirement of spreading notice and proof of local legislation on the journals of each house by providing that the Clerk of the House or the Secretary of the Senate shall merely certify in the appropriate journal that notice and proof was attached to the local legislation and is at-

tached as a matter of public record to the original copy of the bill filed in the Department of Archives and History.

The above bill was read a second time at length as required by the Constitution.

H. 1217. (With Amendment): To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, to be numbered Article XI thereof, relating to public officers; to supersede the following provisions of the Constitution of Alabama of 1901, as amended: Sections 60, 96, 104 (24), 130, 279, 280 and 281 and Amendments No. 2, 4, 26A, 28, 43, 44, 46, 47, 48, 50, 62, 64, 85, 88, 92, 103, 127, 134, 135, 136, 137, 138, 139, 185, 196, 215, 229, 231, 246, 241, 249, 265, 290, 297, 306, 321 and 326; and to repeal all conflicting provisions of said constitution and amendments thereto.

The above bill was read a second time at length as required by the Constitution.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1219. To propose and provide for the submission of an amendment to the Constitution of Alabama.

The above bill was read a second time at length as required by the Constitution.

H. 1220. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to suffrage and elections; repealing and superseding Article VIII of the Constitution of Alabama of 1901, as amended, and Amendments No. 41, 207 and 223, and all other conflicting provisions of said constitution.

The above bill was read a second time at length as required by the Constitution.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 1221. (With Amendments): To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the mode of amending the Constitution; to repeal, supersede and renumber Article XVIII and Amendment No. 24 of said Constitution and all other conflicting provisions thereof.

The above bill was read a second time at length as required by the Constitution.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1222. (With Amendment): To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, with respect to miscellaneous provisions pertaining to eminent

domain, protection of environment and homestead exemptions; to repeal and supersede Sections 205, 206, 207, 208 and 235 of said constitution, as amended, and all other conflicting provisions thereof.

The above bill was read a second time at length as required by the Constitution.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1248. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Butler County.

The above bill was read a second time at length as required by the Constitution.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1005. Relating to counties having populations of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; to regulate further the taking of fish from public streams; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the taking of non-game fish from public lakes; prohibiting the sale of fish so taken; prescribing penalties for violation of this act.

H. 1063. Relating to Houston County; to provide an additional expense allowance for the Coroner.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1115. (With Amendment): Relating to Russell County; to provide for an additional expense allowance for members of the county commission and for certain clerks of the county commission.

H. 1117. (With Amendment): To provide further for solicitor's and district attorney's fees in the 26th Judicial Circuit; establishing a "District Attorney's Fund" and providing for its use and expenditure.

H. 1118. (With Amendment): Relating to Russell County; to authorize the Russell County Commission to pay certain expenses incurred relative to certain investigations carried out by the District Attorney or Sheriff and to prescribe procedure for making such payments.

H. 1119. (With Amendment): Relating to Russell County; to provide an expense allowance for the coroner in said county.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1174. Relating to Autauga County; to provide further for the distribution of fines and forfeitures in certain cases.

H. 1189. To create the office of supernumerary sheriff for Blount County, Alabama and to prescribe the qualifications, duties, appointment, elections and salary of such office.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1234. (With Amendment): To require every county in the state of Alabama having a population of not less than 39,500 nor greater than 41,500 to provide a civil service merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1247. Relating to all counties having a population not less than 22,000 nor greater than 22,500; providing that jurors' compensation in such counties shall be \$12 per day and 10¢ per mile.

H. 1253. Relating to Walker County; amending Act No. 598, H. 1640, Regular Session 1973 (Acts 1973, p. 858), which act creates the office of Assistant District Attorney for the Fourteenth Judicial Circuit, so as to provide further for the compensation of such assistant.

H. 1254. Relating to Walker County; to abolish the office of Solicitor of the County Court of Walker County and transfer all duties of said office to the district attorney's office of said county, providing also that the salary heretofore payable to the solicitor of the County Court of Walker County shall hereafter be transferred to the district attorney's office of the Fourteenth Judicial Circuit to be used for the salary of the assistant district attorney.

H. 1261. Relating to Colbert County; providing for the further and additional definitions of "Hospital" for the purpose of defining any "Hospital" operated or to be operated by any Corporation already incorporated or which may hereafter be incorporated in Colbert County, Alabama, under the provisions of Article 5, Title 22, Code of Alabama, and to provide for further and additional powers for any corporation already incorporated or which may be incorporated in Colbert County under the provisions of Article 5, Title 22, Code of Alabama, (1940) as amended and recompiled.

H. 1265. To provide an additional expense allowance for the tax collector of Conecuh County.

H. 1272. Relating to Clarke County; to provide for branch banking.

H. 1277. To amend further Act No. 37, S. 69, Special Session 1964 (Acts of 1964, p. 58) which regulates the compensation of jurors in certain counties classified on a population basis.

H. 1278. Relating to Lawrence County; to provide that a certain percentage of the proceeds accruing to the Alabama Department of

Aeronautics from any rental or lease agreement covering certain lands in said county shall be deposited to the Lawrence County general fund; requiring all such leases to be let on a competitive bid basis.

H. 1282. Repealing Act No. 1177, H. 2219 (Acts of 1971, p. 2033), entitled "An Act Relating to the appointment of the superintendent of education by the county school board in counties having a population of not less than 34,100 and not more than 34,900 according to the most recent federal decennial census."

H. 1283. Relating to Coffee County; providing that the superintendent of education in said county shall be elected; such election to be held every four years; only qualified electors residing in the school district served by such superintendent shall be entitled to vote in such election.

H. 1288. To regulate qualifications of persons engaging in the bail bond business in all counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census.

H. 1298. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Dora in Walker County, Alabama.

H. 1302. To authorize the County Commission of Randolph County to provide for the relief of the Farm Bureau Insurance Company for the payment of a claim arising from a wreck between a Randolph County truck and a car driven by James East.

H. 1304. Relating to counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to provide for an additional expense allowance for the county superintendent of education.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 746. To provide for the rehabilitation of persons convicted of crime and sentenced to a term of confinement or detention and treatment in the county jail or other correctional facility of any county of this State having a population of 500,000 or more, according to the last or any subsequent Federal Census, and to provide that a jail or other correctional facility operated by such county in cooperation with another county or other counties shall be a correctional facility of such county within the meaning of this Act.

H. 944. To amend Act No. 17 of the Second Special Session of the Legislature of Alabama of 1975, approved March 10, 1975, which provided in every County of the State having a population of 600,000 or more according to the last or any subsequent Federal Census for the temporary detention, care and handling of mentally ill persons, pending formal commitment proceedings to determine whether such person should be committed to the Alabama State Hospitals.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 789. To authorize and regulate collection agencies, to define collection agencies, to prescribe the duties thereof, to describe the duties of the Superintendent of Banks in the connection therewith, to fix bonds for the operation thereof, and to set methods of operating in Alabama.

H. 750. To amend further Title 21, Section 99, Code of Alabama 1940, relating to debts owed to a minor, etc., may be discharged by paying into probate; so as to increase the amount which may be paid.

H. 1085. To amend further Code of Alabama 1940, Title 7, Section 150 relative to survival of actions and causes of action in favor of and against the personal representative of a decedent.

H. 1086. To provide for the repeal of Section 95, of Title 36, Code of Alabama, 1940, otherwise known as the "Guest Statute."

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 1087. (With Amendments): To amend Code of Alabama 1940, Title 7, Section 119 relative to wrongful deaths caused by breach of warranty or sale or distribution of defective goods; and to make provisions of this act available in pending cases.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1088. (With Amendment): To amend Code of Alabama 1940, Title 7, Section 123 relative to wrongful deaths caused by breach of warranty or sale or distribution of defective goods; and to make provisions of this act available in pending suits.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1089. To provide that contributory negligence shall not bar a recovery in a civil tort action; to institute the rule of comparative negligence.

H. 1093. To amend Section 2-607 of the Uniform Commercial Code, Act 549, S. 2, 1965 Regular Session [Acts 1965, p. 811; now appearing in Code of Alabama Recompiled 1958, Title 7A, Section 2-607] relative to notice to seller of non-conformity of goods tendered and accepted; to provide that institution of legal proceedings within the time prescribed by law shall be sufficient notice in actions involving claims for damages for injury or death to the person; and to make the provisions of Section 2-607 as amended available in pending court actions.

H. 1166. To amend Code of Alabama 1940, Title 15, Section 222, which provides a twelve month limitation for prosecutions of all misdemeanors before the circuit or county court, in order to extend said limitation to recorders court and any other court having misdemeanor

jurisdiction; and to repeal Code of Alabama 1940, Title 15, Section 223, which section relates to prosecutions for misdemeanors before a justice of the peace.

H. 627. Relating to bonds required of witnesses; to amend Code of Alabama of 1940, Title 15, Sections 145, 146, and 147; to repeal Code of Alabama of 1940, Title 15, Section 148; and to provide penalties for failure of a witness to appear after posting bond.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 790. (With Amendment): To make officers and employees of corporations, wherein the corporations are required by law to collect and pay taxes to the Department of Revenue and wherein the corporations are required by law to withhold taxes from the salaries of employees and pay said taxes to the Department of Revenue, personally liable for amounts required to be collected and withheld and paid which are not so collected and withheld and paid, and to provide for method of assessment and collection of the said taxes.

H. 792. (With Amendment): To provide for the personal liability of officers, directors, incorporators, and employees of any social club or society incorporated under the authority of Title 10, Chapter 7, Article 5, Code of Alabama 1940 or any non-profit corporation incorporated under authority of Title 10, Chapter 10, Code of Alabama 1940 for failure to file a corporate sales tax return or to pay the sales tax due.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 846. To require that in all felony cases the defendant be served a copy of the indictment in the presence of his or her counsel.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1046. (With Amendment): To prohibit the unauthorized copying of certain recorded articles for sale and the sale of such articles with knowledge that the sounds have been transferred thereon without the consent of the owner and providing punishment therefor.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 1083. (With Substitute): Proposing an amendment to the Constitution of Alabama 1901, providing any defendant is entitled to a speedy trial within six months from the original indictment, and prescribing conditions for a continuance beyond six (6) months.

The above bill was read a second time at length as required by the Constitution.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 914. To amend Section 3 of Act No. 551, H. 321, 1967 Regular Session [Acts of 1967, p. 1300; now appearing in Code of Alabama, Re-compiled 1958, Title 55, Section 332(3)], entitled "To create and establish the Alabama Council on the arts; to provide for the appointment of its members their qualifications, terms, duties, authority and making an appropriation therefor"; so as to change the composition of the membership and the terms of office of such council.

S. 132. To repeal and re-enact Section 11, Title 3, Code of Alabama 1940, as amended, pertaining to cruelty to animals.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1059. Relating to Lauderdale County; providing further for the election of the members of the county board of education and county superintendent of education.

H. 1266. To authorize certain savings and loan associations to establish a branch or branches in certain parts of Chambers County, Alabama.

H. 1296. To authorize the Chambers County Commission or other like governing body to appoint an assistant county engineer; to provide for his compensation; to prescribe certain qualifications and duties; to provide for state participation in his salary and to repeal conflicting laws.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 97. (With Amendment): In addition to any law or part of any law contained and appearing in Chapter 14 of Title 52 of the Code of Alabama 1940, as amended, which relates to the Teachers' Retirement System of Alabama, to provide for the retirement under the Teachers' Retirement System of any teacher, regardless of age, who is a member of the Teachers' Retirement System, and, who has thirty years of creditable service; also provides for a clarification of the corporate powers of the Retirement Systems of Alabama; and to provide for necessary and proper appropriations.

H. 199. (With Amendment): To provide that in the event Section 366 of Title 52 of the Code of Alabama 1940, as amended, provides, at the time this Act becomes effective, that the formula factor for computing teachers' retirement benefits shall be 2.0125%, then any retired teacher and/or any teacher who retires hereafter, who does not receive a 15% net gain in retirement benefits by operation of the formula increase, shall receive an additional amount which shall be sufficient, when added to result in a "post-formula increase" net gain in benefits equal to, but not exceeding, 15% of such member's prior benefit entitlements; also to provide for all necessary and proper appropriations.

H. 198. (With Amendment): To amend further Section 366 of Title 52 of the Code of Alabama 1940, as amended, which relates to the Teachers' Retirement System of Alabama, so as to provide for 2.0125% formula in calculating retirement benefits and to provide for the removal of the 80% of average final compensation restriction on retirement benefits; also provides for a redetermination as of October 1, 1975; also provides for a clarification of the corporate powers of the Retirement Systems of Alabama; and further provides for necessary and proper appropriations.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1183. "To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$3,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide that all bonds issued by the Authority may thereafter be refunded by the issuance of refunding bonds; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Act No. 654 adopted at the 1965 Regular Session of the Legislature of Alabama, as amended, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the State Treasurer shall be the custodian of the funds of the Authority."

H. 1184. To amend further Section 3 of Act No. 654 adopted at the 1965 Regular Session of the Legislature of Alabama, as heretofore amended, so as to reallocate the revenues derived from the tax authorized by the said Act and to appropriate so much of the said revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$3,000,000 in aggregate principal amount.

H. 1060. To provide that bonds, notes and other securities issued by certain public hospital corporations shall be exempt from laws governing usury or prescribing or limiting interest rates.

H. 568. Relating to counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census, providing that any property held for any

county or municipal retirement system in such counties shall not be deemed to be abandoned property and shall not escheat to the state, but shall revert to the county or municipality in which the retirement system exists.

H. 955. To amend Section 17 of the Alabama Motor Carrier Act, Act No. 669, H. 792, Regular Session of the Legislature of 1939 (Acts 1939 p. 1065, now appearing in Code of Alabama Recompiled 1958, Title 48, Section 301 (17)), which section relates to rates, fares and charges of common carriers by motor vehicle, so to provide immunity from anti-trust prosecution for certain common carriers that establish joint rates, charges and classifications with other such carriers.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 876. (With Substitute): Requiring that each parolee and probationer pay five percent of his monthly earnings into the general fund of the state to offset the cost of his supervision and rehabilitation.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 359. To amend Act No. 582 of Regular Session, 1963 (Acts 1963, Pg. 1266), pertaining to ionizing radiation control by adding a prohibition of announcing inspections, by adding civil penalties, by adding criminal penalties, by adding the posting of bonds, by providing for the delegation of authority, by designating the Radiation Control Agency for the purposes of the Federal Occupational Safety and Health Act of 1970, P. L. 91-596, by establishing the Radiation Reclamation Fund and providing for appropriations therefrom, and to further provide for local programs.

H. 1290. Relating to excise taxes on motor fuels; to amend Code of Alabama 1940, Title 51, Section 647, Act No. 590, H. 392, 1939 Regular Session ((Acts 1939, p. 958, now appearing in Code of Alabama Recompiled 1958, Title 51, Section 665 (2)), Act No. 743, H. 150, 1957 Regular Session ((Acts 1957, p. 1173; now appearing in Code of Alabama Recompiled 1958, Title 51, Sections 665 (32) and (33)). Act 647, H. 484, 1961 Regular Session ((Acts 1961, p. 925; now appearing in Code of Alabama Recompiled 1958, Title 51, Sections 665 (40), (41) and (50), and Act No. 403, H. 870, 1969 Regular Session ((Acts 1969, p. 789; now appearing in Code of Alabama Recompiled 1958, Title 51, Section 665 (57)) relative to the rate of such taxes.

S. 194. To make an appropriation to the Division of Game and Fish, Department of Conservation and Natural Resources from the Game and Fish Fund for the purchase of radio communications equipment.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 700. (With Substitute): Relating to taxation; to amend Title 51, Section 2, of Alabama Code of 1940, as last amended, so as to exempt

from ad valorem taxation articles manufactured in Alabama in the hands of the producer or manufacturer thereof for twelve (12) months after production or manufacture.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 433. To further amend Section 2 of Act No. 100. H. 94, Second Special Session, 1959, relating to revenue, as amended, so as to exclude from the gross receipts tax levied thereby, sales of materials or supplies for use in fulfilling a contract for painting, maintenance, repair or modification of fixed wing aircraft exceeding five (5) tons and rotary wing aircraft exceeding two (2) tons empty weight.

H. 436. To further amend Section 788 of Title 51 of the Code of Alabama 1940, as amended, so as to exclude from the excise tax levied thereby, storage, use or other consumption of materials or supplies bought for use in fulfilling a contract for the painting, maintenance, repair or modification of fixed wing aircraft exceeding five (5) tons and rotary wing aircraft exceeding two (2) tons empty weight.

H. 1260. To declare the Alabama Chapter of the Leukemia Society of America, Inc. an eleemosynary organization, and as such to exempt said Society from the payment of all state, county and municipal sales and use taxes.

H. 1171. To amend further Act No. 533, Acts of Alabama, 1957 Regular Session, page 750, entitled "An Act To create a Board to be known as the State Board of Registration for foresters; to provide for the qualification of members of said Board; to provide for the appointment of the members of said Board; to provide for their terms of office; to provide for the organization of said Board; to provide for the powers and duties of said Board; to provide for the registration of Foresters; to provide for the recording of licenses; to provide for the definition of the practice of Forestry; to provide for the revocation of licenses; to provide for fees for the issuance and recording of such licenses; to provide for reciprocity; to create a special fund to be known as the 'Professional Foresters Fund,' and to regulate expenditures therefrom; to repeal all laws in conflict with this Act; and to make an appropriation," as amended by Act No. 141, Acts of Alabama, 1961 Special Session, page 2082; by Act No. 1051, Acts of Alabama, 1969 Regular Session, page 1965; and by Act No. 1202, S. 107, 1973 Regular Session (Acts of 1973, p. 2020); so as to provide for an increase in the registration fee for a license and the annual renewal fee for licenses.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 548. (With Amendment): Relating to public warehouses: to amend Section 570 of Title 2 of the Code of Alabama 1940 which relates to the annual filing fee to be paid to the Department of Agriculture and Industries by persons who operate a public warehouse: to require an annual filing fee of fifteen dollars to be paid by persons operating a public warehouse: to prescribe the effective date of this Act.

H. 549. (With Amendment): Relating to persons engaged in the business of weighing for hire, known as weighmasters: to amend Section 630 of Title 2, Code of Alabama 1940, to increase the annual permit fee required to be paid to the Commissioner of Agriculture and Industries by persons engaged in the business of weighing for hire and designated as weighmaster; increase said fee to five dollars; to prescribe the effective date of this Act.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 550. Relating to persons engaged in the business of buying and selling livestock required to be licensed and bonded; to amend Section 3 of Act No. 568, S. 201, Legislature of 1969, approved August 29, 1969 (Acts of 1969, Vol. II, p. 1049) by requiring persons engaged in the business of buying and selling livestock as a livestock dealer to pay an annual license fee of \$20.00; to provide for the effective date of this Act.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 552. (With Amendment): Relating to the weighing of livestock at public livestock markets which requires persons operating scales to obtain an annual permit from the Commissioner of Agriculture and Industries and to be bonded; to amend Section 2 of Act No. 169, H. 238, Legislature of 1959, approved September 23, 1959 (Acts of 1959, Vol. 1, p. 693) by fixing the amount of the annual permit fee to be paid by persons who operate scales upon which livestock are weighed at livestock markets which amount shall be five dollars; to prescribe the effective date of this Act.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 385. To amend Section 1 of Act No. 1515, H. 37, 1971 Regular Session (Acts of 1971, p. 2629; now appearing in Code of Alabama, Recompiled 1958, Title 8, Section 30 (1)), entitled "To provide for the cost of and establish the procedure for obtaining an annual resident state hunting license"; so as to provide for the issuance of a permanent lifetime hunting license for all residents over 65 years of age at no cost and upon the payment of nominal issuance fee; repealing Act No. 546, S. 437, 1965 Regular Session (Acts of 1965, p. 796; now appearing in Code of Alabama, Recompiled 1958, Title 8, Section 31 (1)).

H. 389. To exempt certain religious organizations from the payment of any tax levied upon the recordation of certain instruments of conveyance under Title 51, Section 618, Code of Alabama 1940, as amended.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 44. (With Amendment): To amend further Section 2, Act No. 100, Second Special Session 1959, the State Sales Tax Act, so as to provide that where any used part of an automotive vehicle or a truck trailer, semitrailer or a house trailer is taken in trade as a credit or part payment on the sale of a new or rebuilt part, the sales tax shall be paid on the net difference, and to provide that this provision shall not be construed to include tires and batteries.

H. 38. (With Amendment): To provide for the transfer to the Teachers' Retirement System of Alabama of all janitors, maids cafeteria workers, and any other full time employees in public education covered under Section 12 of Act No. 515 of the 1945 Act, as amended, regardless of in what manner or on what basis paid; To provide for the eligibility and mandatory enrollment in the Teachers' Retirement System of Alabama of all persons hereafter assuming full time employment in public education; to provide for a six month period from the effective date of this Act in which any person in any of the aforementioned classifications who are not now members of the Employees' Retirement System under Section 12 of Act No. 515 of the 1945 Act, as amended, may decline to become a member of the Teachers' Retirement System by filing a written notice. Provide for credit of service prior to effective date of this Act for any persons in a hereinabove named classification who are not members of the Employees' Retirement System; And further to provide for necessary and proper appropriations to carry out the purpose of this Act.

H. 40. (With Amendment): To further amend Section 364 of Title 52 of the Code of Alabama 1940, as amended, which relates to credit for military service and to provide for necessary and proper appropriations to carry out the provisions of this Act.

H. 868. (With Amendment): To amend Section 1 of Act No. 1209, S. 223, Regular Session 1973 (Acts of 1973, p. 2031, now appearing in Code of Alabama, Recompiled 1958, as Title 52, Section 13 (1)) so as to increase the expense allowance of members of the State Board of Education from \$100 to \$500 per month.

H. 818. (With Amendment): To make an appropriation from the state treasury for the relief of Harry V. Schmidt.

H. 140. (With Amendment): To amend further Section 388 of Title 51, Code of Alabama, 1940, which relates to exemptions from the State income tax on individuals.

H. 687. (With Amendment): To amend further Title 36, Section 74, Code of Alabama 1940, as amended, which section relates to the cost of a duplicate, lost or destroyed driver's license so as to further regulate the cost of said duplicate license.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 287. To authorize the County Commission or like governing body of each of the several Counties of the State to join and participate in a National and State Association of County Commissions and to appropriate such funds as it may deem necessary for the maintenance and support of such Association.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report,

with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 288. (With Substitute): To provide that all monies received by Counties from motor vehicle license taxes and registration fees shall be deposited in a fund known as the Public Highway and Traffic Fund and used for the purpose of construction, improvement and maintenance of public highways or streets including administrative expenses in connection therewith, retirement of securities evidencing obligations incurred for payment of cost of such construction, improvement and maintenance, costs of traffic regulation and expense of enforcing state traffic and motor vehicle laws.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 400. To amend Title 51, Section 38 and to further amend Section 189 of the Code of Alabama 1940, Recompiled 1958, so as to eliminate the requirement that the tax assessor and tax collector must go from place to place within the county to assess property and collect taxes.

H. 968. Relating to any county having a population of not less than 39,500 nor more than 41,500, to abolish the fine and forfeiture fund of such county; to provide for the payment of certain fines and forfeitures collected into the general fund of the county; to provide for the payment of certain claims from the general fund of the county in lieu of the fine and forfeiture fund and to provide for the registration of those claims now outstanding and those hereafter accruing.

H. 979. Relating to the third judicial circuit; authorizing the district attorney to appoint an additional secretarial assistant and providing for the compensation of such secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has reconsidered the Bill:

H. 96. To provide that any person in this state at the arrival at the age of nineteen years shall be relieved of their disabilities of minority.

And said Bill, H.B. 96, was again read at length and passed, the Governor's objections to the contrary notwithstanding, by a vote of a majority of the whole number elected to the Senate, said vote being:

Yeas 23; Nays 10.

And said Bill, H. B. 96, together with the Governor's Message containing his objections, is herewith returned to the House.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House bill, to-wit:

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H. 96. To provide that any person in this state at the arrival at the age of nineteen years shall be relieved of their disabilities of minority.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report with amendment:

H. J. R. 6. CREATING A SELECT COMMITTEE TO STUDY THE BEST METHOD OF UTILIZING THE NATURAL RESOURCES OF SOUTHWEST ALABAMA.

Said amendment being as follows:

On line 29, strike the words "twenty-eighth day of August, 1975" and insert in lieu thereof the following: fifth legislative day of the 1976 Regular Session.

On lines 35 and 36, strike the words and numbers "ten thousand dollars (\$10,000)" and insert in lieu thereof the following: five thousand dollars (\$5,000).

On motion of Mr. Drake, the amendment was adopted.

And the resolution, H. J. R. 6 as amended, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report, with amendment:

H. J. R. 137. CREATING AN INTERIM COMMITTEE TO CONDUCT A STUDY OF THE MERIT SYSTEM.

Said amendment being as follows:

Amend H. J. R. 137 by adding in paragraph 3 at the end after the period the following: In no event shall the committee's expense and compensation exceed \$5,000.00 which shall be paid out of any funds appropriated to the use of the legislators.

On motion of Mr. Drake, the amendment was adopted.

And the resolution, H. J. R. 137 as amended, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 139, and ordered same returned to the House with a favorable report:

H. J. R. 139. CREATING A JOINT CONTINUING COMMITTEE TO STUDY REAL ESTATE LICENSING LAWS.

On motion of Mr. Biddle, the resolution, H. J. R. 139, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 159, and ordered same returned to the House with a favorable report:

H. J. R. 159. MEMORIALIZING CONGRESS TO CHANGE THE COPYRIGHT LAW IN ORDER THAT TEACHERS IN SECONDARY AND ELEMENTARY EDUCATION MAY PHOTOCOPY OR OTHERWISE COPY MATERIALS FOR USE FOR EDUCATIONAL PURPOSES.

On motion of Mr. Drake, the resolution, H. J. R. 159, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. R. 163, and ordered same returned to the House with a favorable report:

H. R. 163. REQUESTING AN ADVISORY OPINION ON H. B. 1286.

On motion of Mr. Higginbotham, the resolution, H. R. 163, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, S. J. R. 49, and ordered same returned to the House with a favorable report:

S. J. R. 49. URGING THE NATIONAL BOAT LAW ADMINISTRATOR'S ASSOCIATION TO STUDY THE POSSIBILITY OF PROTECTIVE COVERS FOR BOAT PROPELLERS.

On motion of Mr. Drake, the resolution, S. J. R. 49, was adopted.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. White to suspend the rules in order to take up out of order the third reading of the bills, H. 523 and H. 524, was lost, lacking a four-fifths vote.

Yeas 39; Nays 31.

Yeas:

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Boles, Callahan, Carothers, Cates, Coburn, Crawford, Crowe, Dial, Drake, Gafford, Glass, Goodwin, Greer, Hall, Hopping, Jackson (R), Johnson, Jolly, McMillan, Manley, Martin, Merrill, Moore (O), Moore (W), Rich, Roberts, Sasser, Sonnier, Starkey, Trammell, Turnham, Venable, Warren and White.

Nays:

Messrs. Baker, Brindley, Clark, Cross, Edwards, Folmar, Gregg, Harrison, Hill, Hines, Holmes, Howard, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, McNair, McNees, Mitchem, Pegues, Plaster, Porter, Riddick, Smith (M), Sparks, Teague, Tucker, Weeks and Wyatt.

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RESOLUTIONS

The following resolutions were introduced:

By Mr. Manley:

H. R. 172. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House adjourns today it adjourns to meet on Tuesday, July 29, 1975 at 2:00 o'clock p.m.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 172, was adopted.

Also:

By Mr. Biddle:

H. R. 173. Be it resolved by the House of Representatives that a Delegation be appointed by the Speaker to contact the family of our colleague Ray Burgess and offer the assistance of this body in any way possible during his medical confinement and period of recovery.

On motion of Mr. Biddle, the rules were suspended and the resolution, H. R. 173, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee Messrs. Biddle, Gafford, White and Waggoner.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Armstrong and Waggoner:

H. 1307. Authorizing fiduciaries holding securities as executor, administrator, guardian, conservator, trustee, agent, custodian, or in any other fiduciary relationship to deposit, or arrange for the deposit of, such securities in a clearing corporation and, when such securities are so deposited, certificates and other instruments representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of such clearing corporation with any other such securities deposited in such clearing corporation by any person regardless of the ownership of such securities, and certificates or other instruments of smaller denomination may be merged into one or more certificates or other instruments of larger denomination; providing that ownership of, and interest in, such securities may be transferred by entries on the books of the clearing corporation without physical delivery of certificates or other instruments representing such securities; and prescribing the conditions upon which securities may be so deposited.

Banking.

By Messrs. Armstrong and Waggoner:

H. 1308. To amend Section 8-102 of Act No. 549, S.2. Regular Session 1965, (an Act known as the Uniform Commercial Code) so as to change the definition of "clearing corporation" contained in said Section 8-102.

Banking.

By Messrs. Armstrong and Waggoner:

H. 1309. Authorizing banks and trust companies holding treasury securities as executor, administrator, guardian, conservator, trustee, agent, custodian, or in any other fiduciary relationship to deposit, or arrange for the deposit, with the federal reserve bank in its district of such treasury securities to be credited to one or more accounts on the books of said federal reserve bank in the name of such bank to be designated trust or other accounts in accordance with rules and regulations of the federal reserve bank, to which similar treasury securities deposited by the bank for other fiduciary accounts may be credited; providing that ownership of, or interest in, such treasury securities may be transferred by entries on the books of said federal reserve bank without physical delivery thereof; requiring and authorizing the consent of its co-fiduciary where the bank or trust company holds such securities as a co-fiduciary; and prescribing the conditions upon which treasury securities may be so deposited.

Banking.

By Messrs. Armstrong and Waggoner:

H. 1310. Authorizing banks and trust companies holding securities as executor, administrator, guardian, conservator, trustee, agent, custodian, or in any other fiduciary relationship to hold same in a manner such that, without certification of ownership attached, certificates and other instruments representing securities of the same class of the same issuer constituting assets of different accounts are held in bulk, including the merging of certificates or other instruments of smaller denominations into one or more certificates or other instruments of larger denominations; requiring and authorizing the consent of its co-fiduciary where the bank or trust company holds such securities as a co-fiduciary; authorizing securities so held to be registered in the name of a nominee; and prescribing the conditions upon which securities may be so held.

Banking.

By Messrs. Smith (J), Carothers, Crawford and Sasser:

H. 1311. Relating to the twentieth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge; establishing the family court division of such circuit; prescribing the jurisdiction of the family court division and providing for selection, appointment, qualifications, tenure, and compensation of officers and administrative and clerical personnel; abolishing special courts having jurisdiction of juveniles and domestic relations cases.

Ways and Means.

By Messrs. Sonnier, Sandusky, Kennedy, LeFlore, Malone, McCulley, Glass, Johnstone, Callahan and McMillan (With Notice and Proof):

H. 1312. Relating to Mobile County; providing for the disposal by the county administrator, or other county officer performing the duty of the county administrator, of contraband or illegal articles that come

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into possession of the sheriff of such county through the performance of the duties of that office where such disposal is not presently authorized by law.

Local Legislation No. 3.

Notice and Proof H. 1312:

A BILL
TO BE ENTITLED
AN ACT

Relating to Mobile County; providing for the disposal by the county administrator, or other county officer performing the duty of the county administrator, of contraband or illegal articles that come into possession of the sheriff of such county through the performance of the duties of that office where such disposal is not presently authorized by law.

Be It Enacted by the Legislature of Alabama:

Section 1. The county administrator, or other officer performing the duty of the county administrator of Mobile County, shall have the authority to dispose of contraband or other illegal articles, unclaimed motor vehicles and other articles that come into possession of the sheriff of the county through the performance of the duties of that office where such disposal is not presently authorized by law as hereinafter provided.

Section 2. It shall be the duty of the sheriff, having received possession of any of the articles mentioned in Section 1 of this act, to report the seizure and detention thereof in writing to the district attorney or person performing the duty of district attorney of Mobile County. It shall be the duty of the district attorney or person performing the duty of the district attorney to file a bill in equity in the circuit court of Mobile County praying that such articles be forfeited to the State and be sold by the county administrator or person performing the duty of the county administrator and the money received from such sale or sales to be paid into the general fund of the county. Such forfeiture and sale shall proceed and be determined in equity in the circuit court of Mobile County in the same form and manner, as near as may be, as in the forfeiture and destruction of gaming devices, except as herein otherwise provided. When any decree of condemnation and sale is made under the provisions of this section the judge or chancellor making such decree shall direct therein the sale of said articles by the county administrator of the county, in the event no appeal is taken within fifteen (15) days from the rendition thereof, shall be carried out and executed before the expiration of twenty (20) days from the date of the decree. The court, at its discretion, shall direct in said decree that the costs of the proceedings be paid by the person in whose possession said contraband or other articles were found when seized, or by any party, or parties, who claim to own said contraband or other articles, or any interest therein, and who contested the condemnation and forfeiture thereof, and if such costs are not collected by execution, the register shall tax and collect such costs from the county and the same shall be paid as in criminal cases in which the state fails, upon the court making an order to that effect.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Joyce Butt being sworn, says that she is Bookkeeper of the Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register 6/10, 17, 24, 7/1, 1975.

JOYCE BUTT.

Sworn to and subscribed before me this 21 day of July, 1975.

GARY L. RICHARDSON,
Notary Public.

By Messrs. Sonnier, Kennedy, LeFlore, Malone, Glass, Johnstone and McMillan:

H. 1313. To require land owners, businesses, corporations or other individuals requesting rezoning or any land or building or other structure or part thereof within all cities having populations of not less than 175,000 nor more than 225,000 according to the most recent or any subsequent decennial census to make no more than one rezoning request per calendar year and to require posting and notification of such rezoning request.

Local Legislation No. 3.

By Mr. Malone (With Notice and Proof):

H. 1314. Relating to Mobile County, to repeal Act No. 290, H. 817, Regular Session 1935 (Local Acts 1935, p. 180), as amended by Act No. 61, H. 231, Regular Session 1945 (Local Acts 1945, p. 53), which act creates a barber's licensing commission for said county.

Local Legislation No. 3.

Notice and Proof H. 1314:

ALA. STATE LEGISLATURE

NOTICE

STATE OF ALABAMA COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Mobile County, to repeal Act No. 290, H. 817, Regular Session 1935 (Local Acts 1935, p. 180), as amended by Act No. 61, H. 231, Regular Session 1945 (Local Acts 1945, p. 53), which act creates a barber's licensing commission for said county.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 290, H. 817, Regular Session 1935 (Local Acts 1935; p. 180), as amended is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

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Joyce Butt being sworn, says that she is Bookkeeper of the Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama; and the attached notice appeared in the issue of The Mobile Register 6/10, 17, 24, 7/1, 1975.

JOYCE BUTT.

Sworn to and subscribed before me this 21 day of July, 1975.

GARY L. RICHARDSON,
Notary Public.

By Mr. Callahan:

H. 1315. To provide a new schedule of privilege licenses relating to seafoods; to repeal the existing schedules: to prescribe the penalty for violating provisions of this Act.

Ways and Means.

By Messrs. Manley, McCorquodale, Warren, Sandusky, McClusky, Sonnier, Wyatt, Gafford, Turnham, Waggoner, Smith (J), Lockett, Campbell, Kinsey, Plaster, Dial, Jackson (F), Whatley, Edwards, Lee, Morris, Owens, Carter, Rich, Carothers, Cross, Smith (M), Boles, Higginbotham, Cates, Coburn, Naramore, Callahan, Drake, Robertson, Teague, Moore (W), Barron, Venable, Harris, Shelton, Clark and Crowe:

H. 1316. To designate the Alabama Historical Commission as the agency responsible for retaining the historic and architectural integrity of the State Capitol, a National Historic Landmark.

State Administration.

By Messrs. Boles, Hopping, Hall, Andrews and Trammell:

H. 1317. To amend Act Number 453 of the 1967 Regular Session of the Legislature of Alabama (1967 Acts of Alabama, Page 1129, et seq.), entitled "An Act to create in each city of the State of Alabama having a population of three hundred thousand or more according to the last and any subsequent Federal census a pension and relief fund for officers and employees of the Library board of such city and for the widows and dependents of such officers and employees, to provide for a custodian of such fund and to provide for the investment, protection, management and distribution of such fund by a board of managers created for such purpose," to make such act applicable in each city of the State of Alabama having a population of two hundred and fifty thousand or more, to increase benefits payable from such fund to qualified employees upon disability or retirement, to limit loans from such fund to qualified employees, to increase the size of the board of managers of such fund, and to give the library board of such city the option to expand the coverage of such fund to additional employees and to provide for credit for prior service to qualified employees by extending creditable time.

Local Legislation No. 2.

By Mr. Johnson:

H. 1318. Relating to counties having a population not less than 115,000, nor greater than 150,000, according to the latest Federal decennial census; providing that, in addition to the \$12 per diem now being paid by the state, poll workers and election officers shall be paid \$12 per diem from the county general fund.

Local Legislation No. 1.

By Messrs. Crowe and Sparks:

H. 1319. To further provide for and raise revenue for the State of Alabama; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by selling price of such liquors, exclusive of taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for payment of the proceeds from said tax into the State Treasury.

Ways and Means.

By Messrs. Crowe and Sparks:

H. 1320. To raise revenue by levying a privilege or excise tax, in addition to all taxes and licenses now imposed by law, on every person licensed under the provisions of Title 29 of the Code of Alabama (1940), as amended, who sells, stores, or receives for the purpose of distribution malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax.

Ways and Means.

By Mr. Andrews:

H. 1321. To apply to every county of the State having a population of 600,000 or more according to the last or any subsequent Federal census; to provide that the governing body of any such county may provide by ordinance for taking possession of, storing and selling any abandoned, stolen or contraband property found in the county; to provide that any such ordinance may prescribe the conditions on which such property may be taken into possession, stored and sold; and to provide what other provisions any such ordinance shall contain.

Local Legislation No. 2.

By Mr. Andrews:

H. 1322. To apply to every county of this State having a population of 600,000 or more according to the last or any subsequent Federal census; to provide that the governing body of any such county shall be authorized to provide an auxiliary courtroom for any inferior court established in the county if public need and public interest so required and to discontinue any such auxiliary courtroom the maintenance of which public need and public interest do not require.

Local Legislation No. 2.

By Mr. Folmar:

H. 1323. To amend Act No. 399, H. 78, 1969 Regular Session, [Acts 1969, p. 773; now appearing in Code of Alabama Recompiled 1958, Title 26, Section 166 (115-117)] known as the Alabama Surface Mining Act of 1969, relative to the amount of filing fees for surface mining permits and of reclamation bonds; to authorize the Director of Industrial Relations to establish certain rules and regulations, appoint advisory committees, refuse to issue permits under certain conditions; to more clearly define water pollution and controls; to eliminate land substitutions; to modify reclamation procedures; and to establish a special fund for monies received as fees, penalties and forfeitures.

State Administration.

By Mr. Morris (With Notice and Proof):

H. 1324. Relating to Tallapoosa County; to provide for branch banking under certain conditions.

Local Legislation No. 1.

Notice and Proof H. 1324:

STATE OF ALABAMA
COUNTY OF TALLAPOOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Tallapoosa County; to provide for branch banking under certain conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank, either incorporated or unincorporated, whose present principal place of business is located on the eastern side of the Tallapoosa River in Tallapoosa County shall have the power to establish, to maintain, and to operate only on the eastern side of the Tallapoosa River within the limits of the Tallapoosa County, one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking business, provided that such bank, before establishment of such branch or branches, shall first secure the written consent of the State Superintendent of Banks or the Comptroller of the Currency, as the case may require.

Section 2. Any bank, either incorporated or unincorporated, whose present principal place of business is located on the western side of the Tallapoosa River in Tallapoosa County shall have the power to establish, to maintain, and to operate only on the western side of the Tallapoosa River within the limits of Tallapoosa County one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking business, provided that such bank, before establishment of such branch or branches, shall first secure the written consent of the State Superintendent of Banks or the Comptroller of the Currency as the case may require.

AFFIDAVIT OF PUBLICATION

I, Bill W. Buchannon Publisher, of the Alexander City Citizen published weekly at Durbin Center, Alex City do solemnly swear that a copy of the notice, as per clipping attached, was published 1 Time in the regular and entire issue of said newspaper and not in any supplement thereof, for 4 consecutive weeks, commencing with the issue dated May 28, 1975, and ending with the issue dated June 18, 1975.

BILL W. BUCHANNON.

Subscribed and sworn before me this 21 day of July, 1975.

RENZA BOWEN, JR.,
Notary Public.

By Messrs. Smith (M), Higginbotham, Turnham and Morris:

H. 1325. To apply in all counties having populations of not less than 35,000 nor more than 38,000, according to the most recent Federal decennial census, to provide for the relief of Wilma M. Atkinson because of property damage sustained to her automobile.

Local Legislation No. 1.

By Mr. Crowe:

H. 1326. To prohibit the abuse, neglect or exploitation of aged or disabled adults; to provide protective services for such persons; to require mandatory reporting by physicians and others of abuse, neglect or exploitation of such persons; to exempt persons reporting such abuse, neglect or exploitation from civil or criminal liability in connection with such reporting; to prescribe penalties for the abuse, neglect or exploitation of aged or disabled adults; and to provide penalties for failure of physicians and other practitioners of the healing arts to report such abuse, neglect or exploitation.

Public Welfare.

By Messrs. Roberts, Drake, Cross and Martin (With Notice and Proof):

H. 1327. Relating to Morgan County; to provide for an annual salary for the coroner and a retroactive expense allowance; and to provide for the salary and expense of the coroner to begin with the next term of office.

Local Legislation No. 1.

Notice and Proof H. 1327:

STATE OF ALABAMA
COUNTY OF MORGAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Morgan County; to provide for an annual salary for the coroner and a retroactive expense allowance; and to provide for the salary and expense of the coroner to begin with the next term of office.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner of Morgan County shall receive a salary of \$1500.00 per annum payable in equal monthly installments from the general fund in the county.

Section 2. Beginning with the next term of the coroner he shall receive an annual salary in the amount of \$6,000.00 per annum, payable in equal monthly installments from the general fund of the county.

Section 3. The coroner serving from October 1, 1971 through September 30, 1974, shall receive a retroactive expense allowance in the amount of \$2,640.00, to cover payments previously made to him.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

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Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared S. D. Nettles, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Controller of the The Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 3, June 10, June 17, and June 24, all in the year 1975.

S. D. NETTLES.

Sworn to and subscribed before me June 24, 1975.

LUCY L. FERGUSON,
Notary Public.

By Messrs. Roberts, Drake, Cross and Martin (With Notice and Proof):

H. 1328. To provide further for the compensation and expense allowances of certain officers of Morgan County.

Local Legislation No. 1.

Notice and Proof H. 1328:

STATE OF ALABAMA
COUNTY OF MORGAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide further for the compensation and expense allowances of certain officers of Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all compensation and expense allowances heretofore provided by law for the following officers of Morgan County, the county commission of Morgan County is hereby authorized to provide for the payment of additional expense allowances, to be used for the purpose of defraying expenses incurred in the performance of their respective duties, not to exceed the amount hereinafter set out to the following officers of Morgan County:

Tax Assessor	\$170.00 per month
Tax Collector	170.00 per month

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Coroner	375.00 per month
Chairman of the County Commission	100.00 per month
Members of the County Commission, each	100.00 per month
Judge of the Morgan County Court	340.00 per month
Reporter of the Morgan County Court	100.00 per month

The above allowances shall be in addition to any other salary, compensation or other expense allowances presently provided by law for such officers; and such allowances shall be paid from the general fund of Morgan County in monthly installments. If any of the above listed officers should receive a raise in salary within the next two years after the effective date of this act, or at the beginning of the next term of office of any such officer, then such allowances shall be reduced an amount equal to the amount of the salary raise, unless such raise exceeds the allowance hereinabove provided in which case the payment of such allowance shall cease.

Section 2. The allowance hereinabove authorized for the coroner may be made retroactive to the beginning of the term of office of the coroner who is serving when this act becomes law, and the allowances hereinabove authorized for other officers of Morgan County may be made retroactive to April 1, 1975.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective on the first day of the month beginning after its passage and approval by the Governor or its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared S. D. Nettles, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Controller of the The Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 3, June 10, June 17, and June 24, all in the year 1975.

S. D. NETTLES.

Sworn to and subscribed before me June 24, 1975.

LUCY L. FERGUSON,
Notary Public.

By Messrs. Roberts, Drake, Cross and Martin (With Notice and Proof):

H. 1329. Providing for a county board of equalization and adjustment for Morgan County; providing for abolishing the existing County Board of Equalization and transferring its duties to the County Board of Equalization and Adjustment; further regulating the appointment and removal of the members of the board, the terms of service, the compen-

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sation, the expense allowance of the members of the board; making further provision in regard to office space, office furniture and supplies of the board, and providing for the employment of clerks and other employees of the board; providing for the operation of the board; and adopting certain provisions of the statutes applicable to county boards of equalization; and providing for the severability of the provisions of the act and for its effective date.

Local Legislation No. 1.

Notice and Proof H. 1329:

NOTICE

Notice is hereby given that at the next regular session of the Legislature of Alabama, a bill substantially as follows will be introduced and application for its passage and enactment will be made, to-wit:

Providing for a county board of equalization and adjustment for Morgan County; providing for abolishing the existing County Board of Equalization and transferring its duties to the County Board of Equalization and Adjustment; further regulating the appointment and removal of the members of the board, the terms of service, the compensation, the expense allowance of the members of the board; making further provision in regard to office space, office furniture and supplies of the board, and providing for the employment of clerks and other employees of the board; providing for the operation of the board; and adopting certain provisions of the statutes applicable to county boards of equalization; and providing for the severability of the provisions of the act and for its effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be in Morgan County a County Board of Equalization and Adjustment, to consist of three members, each of whom shall have been a resident of the county for at least five years.

Section 2. The County Board of Equalization as now constituted is hereby abolished and the duties of such board are transferred to the County Board of Equalization and Adjustment.

Section 3. During the month of August, 1975 and during the month of August of each fourth year thereafter, the County Commission, or other governing body in said county, the County Board of Education, and the governing body of the largest municipality in the county shall each appoint one person to membership on the County Board of Equalization and Adjustment so that the board shall be composed of three members.

Section 4. Each person appointed to membership shall, before entering upon the duties of such office, take and subscribe to the following oath, in addition to the oath required of regularly elected county official:

"I do solemnly swear that I will faithfully discharge the duties imposed upon me by law, as a member of the County Board of Equalization and Adjustment, and that I will adjust, equalize and fix the taxable value of all property listed for taxation and submitted for review to the board of which I am a member, on a basis of its fair and reasonable market value to the best of my knowledge and ability, so help me God."

Said oath, together with the other official oath required of such board member shall be filed for record in the office of the Judge of Probate.

Section 5. The members of the board shall elect one of their number as Chairman. Should they fail to agree, the appointing authorities shall select the Chairman.

Section 6. The appointing authority appointing a member of the board shall have the right to remove such member at any time without cause. Should a vacancy on the board occur, then the appointing authority which appointed said member shall appoint another person to fill the vacancy. The time of service each year, the compensation and expenses of the members of the board shall be that applicable to the members of the Board of Equalization in a county with the total assessed value equal to that of Morgan County. The governing bodies of Morgan County and the largest municipality in the county and the County Board of Education may extend the working period of the members of the board and may increase the rate of pay of the members as they may determine from time to time or may increase the pay without extending the term.

Section 7. The base compensation of the members of the board as provided in the preceding section shall be paid one-third (1/3) by the state, one-third (1/3) by the county and one-third (1/3) by the largest municipality in the county, provided, however that any increase in pay above the base rate shall be paid one-third (1/3) by the county, one-third (1/3) by the largest municipality in the county and one-third (1/3) by the County Board of Education.

Section 8. The powers and duties in proceedings of the board, the employees thereof and their compensation and payment, and inventory and the cost and payment therefor and all other matters pertaining to its operation in the equalization of taxes shall be as now provided by law for boards of equalization.

Section 9. This act shall become effective on the first day of August, 1975, or as soon thereafter as its passage and approval by the Governor or its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared S. D. Nettles, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Controller of the The Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 3, June 10, June 17, and June 24, all in the year 1975.

S. D. NETTLES.

Sworn to and subscribed before me June 24, 1975.

LUCY L. FERGUSON,
Notary Public.

By Messrs. Roberts, Drake, Cross and Martin (With Notice and Proof):

H. 1330. Relating to Morgan County; to provide that the Sheriff shall be entitled to the allowances payable by the state for feeding

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prisoners; to provide that the provisions of this Act shall be retroactive to October 1, 1974.

Local Legislation No. 1.

Notice and Proof H. 1330:

**STATE OF ALABAMA
COUNTY OF MORGAN**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Morgan County; to provide that the Sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to October 1, 1974.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Morgan County shall be entitled to keep and retain the allowances payable by the state for feeding prisoners.

Section 2. The provisions of this Act shall be retroactive to October 1, 1974, and all actions taken by the sheriff in accordance with the provisions of this Act are hereby validated and confirmed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

**STATE OF ALABAMA
COUNTY OF MORGAN**

Before me, the undersigned authority in and for said County in said State, this day personally appeared S. D. Nettles, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Controller of the The Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 3, June 10, June 17, and June 24, all in the year 1975.

S. D. NETTLES.

Sworn to and subscribed before me June 24, 1975.

**LUCY L. FERGUSON,
Notary Public.**

By Messrs. Roberts, Cross, Carter, Moore (W), Drake, Goodwin and Martin:

H. 1331. To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the

amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Local Government.

By Mr. Drake:

H. 1332. To repeal Section 9A of Act No. 2305, H. B. 875, 1971 Regular Session [Acts 1971, p. 3719; now appearing in Code of Alabama Recompiled 1958, Title 51, Section 431(23)] which prohibits counties from levying coal severance taxes.

Local Government.

By Messrs. Barron and Folmar:

H. 1333. To authorize the State Board of Health to purchase, lease, accept, or acquire suitable sites for the concentration, storage, and disposal of radioactive wastes and other hazardous chemical materials; to provide for the supervision of the operation of such sites; to contract with public or private agencies for the operation of maintenance of such sites; to fix by contract, or to establish and revise from time to time and charge and collect revenues, rentals, rates, and charges for the use of the services and facilities of such sites; to establish a perpetual fund for the maintenance of such sites in a manner consistent with the interests of the public health and safety; and to authorize the State Board of Health to prepare and enforce regulations pertaining to the use and operation of such sites.

Health.

By Messrs. Barron and Holmes:

H. 1334. To amend Code of Alabama 1940, Title 15, Section 223 relative to the statute of limitations on offenses under the jurisdiction of municipal judges and recorders.

Judiciary.

By Messrs. Barron, Holmes, Lewis and Harris (With Notice and Proof):

H. 1335. To amend Act No. 356 of the Legislature of Alabama of 1973, to improve the benefits for retired employees by authorizing and ratifying the payment of premiums for life, health and hospitalization insurance for retired employees.

Local Legislation No. 4.

Notice and Proof H. 1335:

STATE OF ALABAMA
COUNTY OF MONTGOMERY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 356 of the Legislature of Alabama of 1973, to improve the benefits for retired employees by authorizing and ratifying

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the payment of premiums for life, health and hospitalization insurance for retired employees.

Be It Enacted by the Legislature of Alabama:

Act No. 356 of the Legislature of Alabama of 1973 is hereby amended by adding the following subsection to Section 6:

(11) In addition to any other benefits payable under subsections (1), (2), (3), and (4) of this section, the Commission is authorized to pay on behalf of any such employee the premiums for such life, health and hospitalization insurance as is paid by the Commission for other county employees. All previous payments heretofore made for such purposes are hereby ratified.

**STATE OF ALABAMA
MONTGOMERY COUNTY**

Before me, Kathleen F. Meads, a Notary Public in and for the State and County aforesaid, personally appeared Margaret B. Morgan who, first being duly sworn according to law, deposes and says that she is BOOKKEEPER for The Advertiser Company, publishers of The Montgomery Advertiser and the Alabama Journal, and that the advertisement of Montgomery County Commission (A Bill to be Entitled an Act.) appeared in said publication The Alabama Journal June 21, 28, July 5, 12, 1975.

MARGARET B. MORGAN.

Sworn and subscribed before me this 16th day of July 1975.

KATHLEEN F. MEADS,
Notary Public, Montgomery County, Alabama.

By Mr. Owens:

H. 1336. To authorize and provide for the prescription and enforcement of standards for buildings and facilities used by the public so as to make such buildings and facilities accessible to and functional for the physically handicapped; to create the board of barrier-free design and authorize it to advise the state fire marshal in promulgating a code for barrier-free design; to authorize and direct the state fire marshal and his assistants to enforce this act under rules and regulations prescribed by the state fire marshal with the approval of the commissioner of insurance; and with consideration of the advice of the board for barrier-free design; to provide for appeals from orders of the state fire marshal and the board for barrier-free design; and to prescribe penalties.

State Administration.

By Mr. Owens:

H. 1337. To amend Act No. 224, S. 68 of the Regular Session of 1965 (Acts 1965, p. 315) entitled "An Act To require that those buildings and facilities constructed in the state by the use of state, county or municipal funds shall adhere to the principles prescribed by this act, so as to make these buildings and facilities accessible to, and usable by, the physically handicapped," amending Sections 1 and 10 of such act so as to authorize and provide for the enforcement of this act by the state fire marshal, with consideration of the advice of the board of barrier-free design, if such a board is established, and, in addition thereto, if such board is established and recommends a code for barrier-free design which shall to the greatest extent feasible be compatible with provisions of the American National Standards Institute Specifications

A117.1-1961 (or latest revision), and which shall be regularly amended so as to reflect technological advances, research evidence, and the changing needs of handicapped persons, then the fire marshal may, in his discretion, enforce such code.

State Administration.

By Mr. Owens:

H. 1338. To provide for a privilege license for automotive parts recyclers; to fix a fee for such privilege license; to provide for the business which may be carried on under such privilege license; to provide for physical characteristics of business establishments of automotive parts recyclers; to regulate buyers at salvage pools or salvage disposal sales; to provide for identification for such buyers; to provide for cancellation or revocation of such licenses; to prohibit violations of this act, to fix a penalty herefor; and to set an effective date.

State Administration.

By Messrs. Kelley, Brindley and Mitchem:

H. 1339. Relating to counties having a population of not less than 53,000 nor more than 55,000; to validate and confirm any contributions of county funds to the use of any non-profit volunteer rescue squad within the county between October 1, 1973 and October 31, 1974.

Local Legislation No. 1.

By Messrs. Kelley, Brindley and Mitchem:

H. 1340. Relating to counties having a population of not less than 53,000 nor more than 55,000; to provide an additional allowance for the clerk hire fund of the office of probate judge in such counties, and making provisions hereof retroactive.

Local Legislation No. 1.

By Messrs. Campbell, Hines, Smith (J) and Holmes:

H. 1341. To require the State Highway Department to transfer to the Board of Corrections all real estate, buildings and fixtures that are being used or have been used within the last ten years for housing and maintaining prisoners used in road and highway work.

State Administration.

By Messrs. Campbell and Manley:

H. 1342. To make a capital outlay appropriation in the amount of \$350,000 to the school of nursing at Livingston State University.

Ways and Means.

By Messrs. Campbell and Manley:

H. 1343. To make a capital outlay appropriation in the amount of \$1,700,000.00 to the library at Livingston State University.

Ways and Means.

By Messrs. Pegues, Jackson (R), Tucker, Dial, Teague, Johnstone, Drake, Morris, Moore (W), Narmore, Carter, Gregg, Smith (B), Hill, Edwards, Sasser, Lewis, McMillan, LeFlore, Plaster, Shelton, Smith (J), Reed, Kinsey, Harrison, Holmes, Howard, Carothers, McNair, Albright and Whatley:

H. 1344. To reduce the amount of the discount that may be allowed on amounts of sales tax in excess of \$100 for collecting and paying over

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the state sales taxes levied by Act No. 100, H. 94, of the Second Special Session of 1959; to provide for and regulate the use of revenues accruing to the state by reason of such reduction for the acquisition, establishment, construction, maintenance and operation of a youth and first offender correctional center and for the rehabilitation of youths and first offenders; to provide that the reduction herein prescribed shall be greater during a prescribed period immediately following the effective date of this Act than it will be thereafter; and to amend Act No. 100, H. 94, of the Second Special Session of 1959 to accomplish such reduction.

Ways and Means.

By Messrs. Johnstone, Lutz, Gregg, Riddick, Hill, Killian, Brindley, Morris, Drake, Sparks, Lockett, Hines, Jackson (R), McNair, Tucker, Hopping, Hilliard, Leonard and Andrews:

H. 1345. To provide for application for review of felony sentences of five or more years, except death sentences, by a panel of three circuit judges appointed from time to time by the President of the Circuit Judges Association.

Judiciary.

By Messrs. Armstrong, White and Trammell:

H. 1346. Relating to equine infectious anemia; to provide that all equine animals entering this state must be accompanied by a health certificate verifying that each animal is free from infectious disease, and a copy of a laboratory test for equine infectious anemia.

Health.

By Messrs. Greer, Coburn, Hill and Goodwin:

H. 1347. To regulate the practice of clinical social workers in Alabama as herein defined; to create a Board to be known as the "Alabama Board of Examiners in Clinical Social Work;" to prescribe the duties and powers of said Board; to provide for the examination, licensure of clinical social workers; to provide for certification of clinical social workers practicing independently after licensure; to impose license and certification fees and to provide for the use of funds received; to provide for the recognition of communication between clinical social workers and clients as confidential; to make violations of this Act a misdemeanor.

Ways and Means.

By Messrs. Greer and Coburn:

H. 1348. To provide for supplementing the salaries or compensation paid to semi-retired or retired circuit judges in the 11th Judicial Circuit.

Local Government.

By Messrs. Merrill, Robertson, Johnson, McCulley, Waggoner, Weeks, Callahan, Plaster, Wyatt, Folmar, Carothers, Coburn, Goodwin, Shelton, Drake, Manley and Crowe:

H. 1349. To repeal Act No. 1462 of the 1971 Acts which requires a minimum of 35 years of creditable service before members of the Employees' Retirement System can retire with 100% of benefits due them; to provide for the retirement of said members after 30 years of creditable service, regardless of age, with 100% of the benefits due them; also provides for a clarification of the corporate powers of the Retirement Systems of Alabama; and further to provide for the necessary and proper

appropriations; and to provide for the modification of all laws or parts of laws in conflict with the provisions of this Act.

Ways and Means.

By Messrs. Merrill, Robertson, Johnson, McCulley, Waggoner, Riddick, Weeks, Callahan, Plaster, Wyatt, Folmar, Carothers, Coburn, Goodwin, Shelton, Drake, Manley and Crowe:

H. 1350. To amend Section 458 of Title 55 of the Code of Alabama 1940, as amended, which relates to credit for military service toward retirement status and to provide for necessary and proper appropriations to carry out the provisions of this Act.

Ways and Means.

By Mr. Turnham:

H. 1351. To designate by number the various places upon the governing body, to fix and stagger the terms of office of such places, and to provide for election to each, and to fix the term of office and provide for the election of the mayor in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent Federal decennial census.

Local Legislation No. 1.

By Mr. Teague:

H. 1352. To further regulate correspondence schools doing business in Alabama.

State Administration.

By Messrs. Leonard, Jackson (R) and Harrison:

H. 1353. To amend Title 61, Section 84 of the Code of Alabama 1940 (recompiled 1958), relating to the granting of letters of administration so as to remove the preference given men over women.

Judiciary.

By Messrs. Leonard and Jackson (R):

H. 1354. To amend Section 1 of Act No. 413, H. 310, 1969 Regular Session [Acts of 1969, p. 812; now appearing in Code of Alabama Recompiled 1958, Title 55, Section 172 (3)], relating to the relief of surviving spouses of former governors.

Judiciary.

By Messrs. Leonard, Jackson (R) and Harrison:

H. 1355. To amend Title 34, Section 35 of the Code of Alabama 1940 (recompiled 1958), relating to the custody of children in decrees of divorce.

Judiciary.

By Messrs. Leonard, Jackson (R) and Harrison:

H. 1356. To amend Title 16, Section 10 of the Code of Alabama 1940 (recompiled 1958), and to repeal Title 16, Section 12 of the Code of Alabama 1940 (recompiled 1958), relating to the distribution of an intestate's personal estate.

Judiciary.

By Messrs. Leonard, Jackson (R) and Harrison:

H. 1357. To amend Section 7 of Act No. 273, H. 184, 1961 Extraordinary Session (Acts of 1961, p. 2296; now appearing in Code of Ala-

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bama Recompiled 1958, Title 26, Section 362), pertaining to minors working in public places.

Judiciary.

By Messrs. Leonard, Jackson (R) and Harrison:

H. 1358. To amend Title 34, Section 73 of the Code of Alabama, Recompiled 1958, pertaining to the rights of a wife to alienate, mortgage or lease her real property.

Judiciary.

By Messrs. Holmes, Wyatt, Lewis and Plaster:

H. 1359. To amend Act 618 of the Regular Session of 1973 to provide for contracts for city improvements.

Local Government.

By Messrs. Holmes, Wyatt, Lewis and Plaster:

H. 1360. To amend Act 618 of the Regular Session of 1973 to provide further for the powers of the council.

Local Government.

BILLS RE-REFERRED

On motion of Mr. Armstrong to re-refer, the Speaker re-referred the bill, H. 845, from the Standing Committee on Ways and Means to the Standing Committee on Local Legislation No. 2.

On motion of Mr. Falkenburg to re-refer, the Speaker re-referred the bill, H. 1291, from the Standing Committee on Ways and Means to the Standing Committee on Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 41. Commending the lady volunteers at John Jones Elementary School.

Also:

S. J. R. 43. Commending Dr. Reddoch E. Williams.

Also:

S. J. R. 44. Commending Florala Memorial Hospital.

Also:

S. J. R. 45. Commending Mr. Neal Hart.

Also:

S. J. R. 46. Commending Jacquelyn Massey.

Also:

S. J. R. 47. Congratulating George Chesnut.

Also:

S. J. R. 50. Commending Forrest David Mathews.

Also:

S. J. R. 52. Mourning the death of Stewart Hartford.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Dial and Teague:

H. J. R. 174. MOURNING THE DEATH OF RANDY G. OWENS.

WHEREAS the Alabama legislature has noted with a sense of deep regret the passing of Randy G. Owens of Randleman, North Carolina; and

WHEREAS Mr. Owens was the father of two young boys; and

WHEREAS Mr. Owens tragically lost his life in an accident at the Alabama International Motor Speedway; and

WHEREAS Randy G. Owens was the brother-in-law of Richard Petty; and

WHEREAS Mr. Owens was serving as a member of Richard Petty's pit crew at the Speedway; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Randy G. Owens and express our deep and sincere sympathy to his family to whom copies of this resolution shall be sent.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 174, on the Clerk's desk for one legislative day.

Also:

By Mr. Andrews:

H. J. R. 175. COMMENDING Charles E. Baker, Pastor of the John Wesley Bible Church.

WHEREAS the Reverend Charles Baker has faithfully served the congregation of the John Wesley Bible Church; and

WHEREAS the Reverend Charles Baker has devoted his life to serving ALMIGHTY GOD and helping his fellow-man; and

WHEREAS the Reverend Charles Baker is a saintly man and an instrument of the HOLY SPIRIT in the leadership of GOD'S FLOCK; and

WHEREAS the Reverend Charles Baker not only serves the needs of his congregation, but performs a vital service to his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we most heartily commend the Reverend Charles E. Baker of the John Wesley Bible Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of wonderful and faithful service, and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Reverend Charles E. Baker.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 175, on the Clerk's desk for one legislative day.

Also:

By Mr. Andrews:

H. J. R. 176. COMMENDING Jerry W. Batson, Pastor of the South Roebuck Baptist Church.

WHEREAS the Reverend Jerry Batson has faithfully served the congregation of the South Roebuck Baptist Church; and

WHEREAS the Reverend Jerry Batson has devoted his life to serving ALMIGHTY GOD and helping his fellow-man; and

WHEREAS the Reverend Jerry Batson is a saintly man and an instrument of the HOLY SPIRIT in the leadership of GOD'S FLOCK; and

WHEREAS the Reverend Jerry Batson not only serves the needs of his congregation, but performs a vital service to his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we most heartily commend the Reverend Jerry W. Batson of the South Roebuck Baptist Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of wonderful and faithful service, and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Reverend Jerry W. Batson.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 176, on the Clerk's desk for one legislative day.

Also:

By Mr. Glass:

H. J. R. 177. COMMENDING MRS. EMMA LEE JACKSON SMEE.

WHEREAS Mrs. Emma Lee Jackson Smee started delivering babies at the age of twenty-seven and has performed this necessary and valuable service for her community for 30 years; and

WHEREAS she was always there when she was needed regardless of the many hardships that she encountered; and

WHEREAS she deserves much praise and many thanks for being of service to her community when times were hard; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Mrs. Emma Lee Jackson Smee.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 177, on the Clerk's desk for one legislative day.

Also:

By Mr. Sasser:

H. R. 178. URGING THE ALABAMA LEGISLATURE TO ASSUME ITS RESPONSIBILITY IN PREPARING BUDGETS FOR THE ENTIRE STATE.

WHEREAS the State of Alabama is a diverse state containing many different people, areas and interests; and

WHEREAS it is the responsibility of the Alabama Legislature to govern the entire state to the benefit of all citizens, irrespective of any one group or segment; and

WHEREAS the Legislature is further vested with the authority and duty to raise revenue and make appropriations to adequately fund all segments of government; and

WHEREAS it is the Legislature that is elected by the people and must eventually face the task of solving the problems of the State of Alabama; now therefore

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That the Alabama Legislature is urged to assume its responsibility in preparing budgets for the entire state.

The motion offered by Mr. Sasser to suspend the rules in order to take up for immediate consideration the resolution, H. R. 178, was lost.

Yeas 35; Nays 33.

Yeas:

Mr. Speaker, Armstrong, Campbell, Carothers, Carter, Cates, Crawford, Cross, Crowe, Glass, Hall, Harris, Hines, Holley, Jackson (F), Kinsey, Lee, Lockett, McCulley, Manley, Mitchem, Moore (O), Morris, Owens, Pegues, Rich, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Waggoner, White and Williams.

—35

Nays:

Messrs.: Andrews, Barron, Brindley, Coburn, Folmar, Goodwin, Gregg, Harrison, Higginbotham, Hilliard, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kennedy, Leonard, Lewis, Lutz, McNair, Malone, Martin, Merrill, Naramore, Riddick, Sparks, Trammell, Tucker, Venable, Warren, Weeks and Wyatt.

—33

And the resolution, H. R. 178, was read and referred to the Standing Committee on Rules.

Also:

By Messrs. Robertson, Lee, Johnson, Howard, Owens, Clark and McCorquodale:

H. R. 179. MOURNING THE DEATH OF MR. HERBERT WARNER.

WHEREAS this legislature has noted with a deep sense of regret the passing of industrialist and philanthropist Herbert David Warner, board chairman emeritus of Gulf States Paper Corp.; and

WHEREAS Mr. Warner, a resident of Tuscaloosa, was very civic minded and received many awards and had many honors bestowed on him during his lifetime. These honors include: Tuscaloosa Citizen of the Year for 1970, an honorary doctor of laws degree from the University of Alabama, the Alton Lambert Award for Scouting and being named a Paul Harris Fellow by the Rotary Foundation of Rotary International and a fellow of the Druid City Hospital Foundation; and

WHEREAS throughout his life he contributed generously and unselfishly to numerous charities and worthwhile organizations; and

WHEREAS Mr. Warner served his community, state and country in many capacities. He was a past president and director of the Tuscaloosa Chamber of Commerce and a former director of the Alabama State Chamber of Commerce; he was National Council representative to the Boy Scouts of America; he was at one time or another a board member of Associated Industries of Alabama, the Southern States Industrial Council, the United Fund of Tuscaloosa County Inc. and the Tuscaloosa Rotary Club. Mr. Warner served during his life as director of the American Mutual Insurance Co, the Alabama Great Southern Railway, the Tuscaloosa YMCA, the City National Bank of Tuscaloosa and Druid City Hospital; and

WHEREAS he was respected and admired by all who knew him. His friends and acquaintances will forever remember him for his keen sense of humor, his generosity and his love for people; and

WHEREAS Herbert Warner gave not only to his community, state and country, but also to his church. He was a leading member of the First Presbyterian Church having served as an elder and trustee; and

WHEREAS this legislature would like to pay tribute to this great but humble man who made lasting contributions to the State of Alabama; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That we mourn the death of Herbert David Warner and express our deep and sincere sympathy to his family to whom copies of this resolution shall be sent.

On motion of Mr. Robertson, the rules were suspended and the resolution, H. R. 179, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Bank:

S. J. R. 51. BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That when the two Houses adjourn today they adjourn to meet again on Tuesday, July 15, 1975 and that when they adjourn on Tuesday, July 15, 1975, they adjourn to meet again on Tuesday, July 22, 1975, and that thereafter each house shall meet on such days as each house shall determine. Act No. 25,

S. J. R. 13, of the Third Special Session 1975, approved April 4, 1975, is thereby repealed.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Manley, the rules were suspended in order to bring up for immediate consideration the resolution, S. J. R. 51, set out in the above and foregoing Message from the Senate.

Mr. Manley offered the following substitute to the resolution:

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That each House shall meet on such days as such House shall determine. Act No. 25, S. J. R. 13, of the Third Special Session 1975, approved April 4, 1975, is hereby repealed.

On motion of Mr. Manley, the substitute was adopted.

The motion offered by Mr. Manley to suspend the rules and adopt the resolution, S. J. R. 51 as amended, was lost.

Yeas 29; Nays 55.

Yeas:

Mr. Speaker, Biddle, Callahan, Crawford, Crowe, Drake, Gafford, Harris, Holley, Jackson (F), Johnstone, Jolly, Killian, McMillan, McNair, Malone, Morris, Owens, Reed, Rich, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Waggoner, Warren, White and Wyatt.

—29

Nays:

Messrs. Albright, Armstrong, Barron, Campbell, Cates, Clark, Coburn, Cross, Dial, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Kelley, Kennedy, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McCluskey, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Porter, Quarles, Riddick, Roberts, Shelton, Smith (C), Sparks, Teague, Trammell, Tucker, Venable and Whatley.

—55

And the resolution, S. J. R. 51 as amended, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Edwards:

S. J. R. 48. COMMENDING BARRETT SHELTON, SR.

Also:

By Mr. Givhan:

S. J. R. 53. MOURNING THE DEATH OF HOMER DEWITT GILLEY.

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Also:

By Mr. Torbert:

S. J. R. 54. COMMENDING THE PHENIX CITY EXCHANGE CLUB.

Also:

By Mr. Torbert:

S. J. R. 55. CONGRATULATING GARRY MARTIN FOR BEING NAMED THE ALABAMA EXCHANGE CLUB'S "YOUTH OF THE YEAR."

Also:

By Mr. Little:

S. J. R. 60. THANKING THE RUSSELL CORPORATION FOR THE BASEBALL SHIRTS.

Also:

By Messrs. Perry, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver and Wilson:

S. J. R. 61. CONGRATULATING MR. AND MRS. MILES HALL, JR., UPON THE BIRTH OF A SON.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolutions, S. J. R. 48, S. J. R. 53, S. J. R. 54, S. J. R. 55, S. J. R. 60 and S. J. R. 61, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 90. NAMING THE NEW BRIDGE CROSSING THE SOFKAHATCHEE CREEK ON U. S. 231 IN ELMORE COUNTY THE "ERNEST S. COLLIER BRIDGE."

Also:

H. J. R. 147. PRINTING AND BINDING OF ACTS FOR 1975.

Also:

H. J. R. 142. URGING ALL MEMBERS OF THE LEGISLATURE TO WORK TOGETHER TO PROVIDE ADEQUATE FUNDING TO THE CORRECTIONAL SYSTEM.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 141. Relative to the adjournment of the two Houses.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 96. MOURNING THE DEATH OF MRS. HELEN ROBBS WALLIS.

Also:

H. J. R. 98. COMMENDING DOUGLAS O. BENTON.

Also:

H. J. R. 106. COMMENDING MISS PAMELA KAYE LONG.

Also:

H. J. R. 107. COMMENDING MISS ANITA SUE VAUGHAN, "MISS ALABAMA 1975-1976".

Also:

H. J. R. 111. COMMENDING MISS PAM FLOWERS — FIRST RUNNER-UP IN MISS U.S.A. CONTEST.

Also:

H. J. R. 112. HOUSE JOINT RESOLUTION COMMENDING PROBATE JUDGE JAMES T. BEELAND FOR MORE THAN THIRTY-FOUR YEARS SERVICE AS PROBATE JUDGE OF BUTLER COUNTY, ALABAMA.

Also:

H. J. R. 113. HOUSE JOINT RESOLUTION CONGRATULATING EARL M. McGOWIN UPON HIS ELECTION TO MEMBERSHIP IN THE ALABAMA ACADEMY OF HONOR.

Also:

H. J. R. 114. MOURNING THE DEATH OF JUDGE VIRGIS MARION ASHWORTH.

Also:

H. J. R. 115. COMMENDING MRS. FLORENCE C. HURST.

Also:

H. J. R. 117. MOURNING THE DEATH OF MRS. LUCINDA BROWN ROBEY.

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Also:

H. J. R. 119. RESOLUTION COMMENDING DR. MORT GLOSSER ON HIS RETIREMENT AS SUPERINTENDENT OF GADSDEN CITY SCHOOLS.

Also:

H. J. R. 124. COMMENDING GENERAL RUFUS L. BILLUPS.

Also:

H. J. R. 125. COMMENDING GENERAL DANIEL JAMES, JR.

Also:

H. J. R. 131. WISHING REPRESENTATIVE JACKSON A HAPPY BIRTHDAY.

Also:

H. J. R. 133. CONGRATULATING MR. & MRS. GEORGE V. MAHONEY ON THEIR GOLDEN WEDDING ANNIVERSARY.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Mr. Mitchell:

S. 168. To amend Sections 201 (2) (a) (c) (e) of Act No. 407, Acts of Alabama, 1971, which sets up standards of eligible surplus lines insurers so as to update and strengthen existing laws by raising capital requirements of authorized surplus lines insurers to \$1,500,000.00; to stop unfair discrimination in doing business with qualified surplus lines insurers; to foreclose operation in such a manner as to avoid payment of surplus lines tax.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 168. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Foshee:

S. 408. To provide that all persons employed as guides in the Capitol complex shall be given the classification of "Capitol Hostess" under the provisions of the merit system and provides for additional compensation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 408. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Mitchell:

S. 163. To provide for the enforcement of rules and regulations promulgated by the Commissioner of Insurance, as provided for in Section 28 of Act 407, Acts of Alabama, 1971, codified into Section 28, Title 28A, Code of Alabama 1940 (recompiled 1958).

Also:

By Messrs. Mitchell and McMillan:

S. 165. To amend Section 149 of Act 407, Acts of Alabama 1971 codified into Section 149, Title 28A, Code of Alabama 1940 (recompiled 1958) by reducing the time required to be run before action can be taken against violators violating the provisions of the Insurance Code pertaining to property and casualty agents.

Also:

By Messrs. Mitchell and McMillan:

S. 166. To allow the Commissioner of Insurance to place an insurance company under an order of supervision; setting forth certain prohibited acts while under supervision.

Also:

By Mr. Mitchell:

S. 167. To amend Section 525(6) of Act No. 407, Acts of Alabama 1971 which excepted all insurance companies licensed in Alabama prior to 1972 from the provision of Section 525 above which required the home office, records, and assets of domestic companies to remain in Alabama.

MCDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 163. Insurance.

S. 165. Insurance.

S. 166. Insurance.

S. 167. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 93. To amend the City of Dothan Pension and Retirement System, established by Act No. 103, Regular Session of the Alabama Legislature, approved June 18, 1953, and amended by Act No. 424, Regular Session of the Legislature, approved August 7, 1961; Act No. 509, Regular Session, approved August 20, 1965; Act No. 601, Regular Session, approved September 8, 1967; Act No. 59, Regular Session 1971, approved July 12, 1971.

McDOWELL LEE,
Secretary.

BILLS ON THIRD READING

And the bill:

H. 920. To provide for additional expense allowances for certain public officials in Washington County.

Having been postponed on the sixteenth legislative day, was taken up.

H. 920 POSTPONED

On motion of Mr. McCulley, the bill, H. 920, was postponed to the eighteenth legislative day.

And the bill:

H. 751. To authorize and empower the director of the Madison County License Department to charge and collect a fee of \$1.00 for the performance of duties relative to the recording of the transfer of ownership of motor vehicles as prescribed in Title 51, Section 706, Code of Alabama 1940, as last amended; to provide that all fees so collected shall be the property of the county and shall be paid into the general fund of the county; to repeal conflicting laws.

Having been postponed on the sixteenth legislative day, was taken up.

H. 751 POSTPONED

On motion of Mr. Moore (W), the bill, H. 751, was postponed to the eighteenth legislative day.

And the bill:

H. 130. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to provide that any city or county school board may, upon recommendation of the superintendent, make temporary loans not to exceed a total of \$750,000.00 in anticipation of revenue derived from privilege or license taxes upon the sale of malt or brewed beverages, provided that any amount borrowed must be used for capital outlay purposes; providing for renewals of such loans in certain circumstances; and providing for the issuance, registration, payment, cancellation, and exemption from taxation of certificates relating to revenue pledged for the payment of such loans.

Was taken up.

H. 130 POSTPONED

On motion of Mr. McCorquodale, the bill, H. 130, was postponed to the eighteenth legislative day.

RESOLUTION

The following resolution was introduced:

By Mr. Lewis:

H. J. R. 180. EXTENDING THE TIME OF REPORTING OF THE JOINT INTERIM COMMITTEE TO STUDY THE STATE PARKS CREATED BY ACT NO. 212, S. J. R. 39, THIRD SPECIAL SESSION 1975.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Committee to study all facets of the state parks, created by Act No. 212, S. J. R. 39, Third Special Session 1975, is hereby extended and shall report its finding to the legislature by the thirty-fourth legislative day of the Regular Session 1975 and upon the submission of its report shall be dissolved.

The resolution was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

H. 840. Relating to counties having a population of not less than 34,100 nor more than 34,900 according to the last federal decennial census amending the title and Section 1 of Act No. 400, S. 449, 1951 Regular Session (Local Acts of 1951, p. 720) so as to correct the population span of this act retroactive to 1970.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes, Hopping, Jackson (F), Johnstone, Jolly, Kennedy, Kinsey, LeFlore, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

—70

RESOLUTION

The following resolution was introduced:

By Messrs. Sparks and Drake:

H. J. R. 181. REGRETTING THE ILLNESS OF FORMER GOVERNOR JAMES E. FOLSOM.

WHEREAS former Governor of Alabama, James E. Folsom, has recently suffered a stroke; and

WHEREAS he has contributed much to his state and community;
and

WHEREAS this legislature would like to wish a speedy recovery to this fine gentleman and statesman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we regret the illness of former Governor James E. Folsom to whom a copy of this resolution shall be sent.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 181, on the Clerk's desk for one legislative day.

BILLS ON THIRD READING RESUMED

And the bill:

H. 1153. (With Substitute): Relating to the eighth judicial circuit; to provide a further additional expense allowance for each judge and for the district attorney of the circuit.

Was taken up.

H. 1153 POSTPONED

On motion of Mr. Drake, the bill, H. 1153, was postponed to the eighteenth legislative day.

And the bill:

H. 1158. Relating to Dale County; providing additional compensation for the official court reporter of the Thirty-third Judicial Circuit, payable by the county.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Brindley, Callahan, Campbell, Carothers, Cates, Crawford, Dial, Edwards, Falkenburg, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—68

And the bill:

H. 1172. (With Substitute): Relating to all counties having a population of 90,000 to 100,000 inhabitants according to the most recent Federal Decennial Census; to provide that all county boards of education in such counties, shall have the power to borrow against revenues derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide that the district board member shall have sole power in securing such loan; to provide that all laws in conflict are hereby repealed and its becoming effective upon the signing by the Governor.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to all counties having a population of 90,000 to 100,000 inhabitants according to the most recent Federal Decennial Census; to provide that all county boards of education in such counties, shall have the power to borrow against revenues derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of any outstanding indebtedness should the voters of any such counties, at any time in the future vote to prohibit legal sales of alcoholic beverages; to provide that all laws in conflict are hereby repealed and its becoming effective upon its signing by the Governor or it otherwise becoming law.

Be It Enacted by the Legislature of Alabama:

Section 1. Relating to all counties having a population of 90,000 to 100,000 inhabitants according to the most recent Federal Decennial Census.

Section 2. County boards of education in all such counties are hereby authorized to borrow against revenues derived from the sale of malt or brewed beverages, for capital outlay purposes, within the county system.

Section 3. All revenues derived from the sale of malt or brewed beverages allocated to the county system shall be distributed to the individual districts, within the system, based on the number of pupils within each district. The number of pupils within each district shall be determined by the enrollment of pupils in each district, based on the latest average daily attendance figures issued by the state department of education.

Section 4. All loans secured under this act shall be secured by the board of education, upon the recommendation of the Superintendent and Board of education member, who represents the district that the loan is being secured for and shall have unanimous consent of the board, expressed by resolution. Any loan secured under this act shall be secured for an individual district only and the revenue used for collateral shall be the revenue allocated to that district. All loans shall be limited to an amount, whereby all interest and principal shall be paid back within fifteen years, from the date the loan was made.

Section 5. In all such counties where the largest school district shall have in it two towns or cities, an advisory council shall be created. The council shall consist of five members. Three of the five council members shall be appointed by the mayor of the largest city or town and two shall be appointed by the mayor of the smallest city or town. This advisory council shall have advisory powers only. The council shall elect their chairman. Their recommendations as to how money borrowed for capital outlay purposes under this act, should be spent shall be submitted to the board member representing their district and the Superintendent of Education.

Section 6. In the event any such county board of education, at any future time, should no longer have available to it, revenues derived from the sale of malt or brewed beverages, any outstanding indebtedness as the result of unpaid loans secured under this act, shall be paid from any future capital outlay money that would have normally gone to that district on a per-pupil basis, until such debt is paid.

Section 7. Capital outlay as stated in this act shall mean, it is an expenditure for land or existing buildings, improvement of grounds, construction of buildings, additions to buildings, remodeling of buildings or initial or additional equipment. District under this act shall mean any area within all such county school systems that is served by a high school and its feeder schools.

Section 8. All laws or parts of laws in conflict with this act are hereby repealed.

Section 9. This act shall become effective immediately upon it being signed by the Governor or it otherwise becoming law.

And the substitute was adopted.

Yeas 65; Nays 0.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Boles, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes, Hopping, Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Trammell, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

—65

And the bill:

H. 1172. Relating to all counties having a population of 90,000 to 100,000 inhabitants according to the most recent Federal Decennial Census; to provide that all county boards of education in such counties, shall have the power to borrow against revenues derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of any outstanding indebtedness should the voters of any such counties, at any time in the future vote to prohibit legal sales of alcoholic beverages; to provide that all laws in conflict are hereby repealed and its becoming effective upon its signing by the Governor or it otherwise becoming law.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 1.

Yeas:

Messrs.: Andrews, Baker, Boles, Callahan, Carothers, Carter, Cates, Coburn, Crawford, Cross, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Howard, Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem,

Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Trammell, Venable, Warren, Whatley, Williams and Wyatt.

—63

Nay: Mr. Brindley.

—1

And the bill:

H. 1212. Pertaining to Cullman County; to abolish the office of Register in Chancery of the Thirty-Second Judicial Circuit; to provide that the Circuit Clerk of said circuit shall henceforth perform the duties and functions of said Register; to provide that such change shall become effective on January 17, 1977; and establish the yearly salary for the Circuit Clerk.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Baker, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes, Hopping, Jackson (F), Johnstone, Kelley, Killian, Kinsey, LeFlore, Lockett, McCluskey, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Trammell, Venable, Whatley, Williams and Wyatt.

—61

And the bill:

H. 1213. Relating to Cullman County, providing an expense allowance for the members of the county board of education, which shall be in lieu of any expense allowances now payable to such members.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 1.

Yeas:

Messrs.: Andrews, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Kennedy, Killian, Kinsey, LeFlore, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Trammell, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

—66

Nay: Mr. Reed.

—1

And the bill:

H. 1214. Relating to Cullman County; to reimburse the office of the judge of probate for any monetary loss resulting in the performance

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of official duties from errors or mistakes, made in good faith, and upon proper certification by the state auditor, not to exceed a maximum of fifteen hundred dollars per annum; making the provisions herein retro-active to October 1, 1972.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Killian, Kinsey, LeFlore, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Trammell, Venable, Warren, Whatley, Williams and Wyatt.

—68

And the bill:

H. 1215. Relating to Cullman County, providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Killian, Kinsey, LeFlore, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Trammell, Venable, Warren, Whatley, White, Williams and Wyatt.

—66

And the bill:

H. 1216. To provide further for the expense allowances of certain county officers and officials of Cullman County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Boles, Brindley, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes, Hopping, Jackson (F), Johnstone, Killian, Kinsey, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore

(O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Trammell, Venable, Warren, Whatley, White, Williams and Wyatt.

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And the bill:

H. 1245. Amending further Section 1 of Act No. 121, H. 22, Special Session 1971, (Acts 1971, p. 204), as amended, fixing the fee for pistol permits in counties having a population of not less than 12,000 nor more than 12,800 so as to provide for the distribution of fees collected by issuance of such permits.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Kennedy, Killian, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Sonnier, Sparks, Trammell, Venable, Warren, Whatley, White, Williams and Wyatt.

—66

And the bill:

H. 1246. Relating to counties having a population of not less than 12,000, nor greater than 12,800, according to the latest Federal decennial census; allowing the clerk of the county court to destroy county court warrants, with the exception of unexecuted arrest warrants, after two years from the date of service of said warrant.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Messrs.: Albright, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Dial, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Killian, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—67

And the bill:

H. 1252. Authorizing the county commission of Choctaw County to pay the sheriff of Choctaw County a monthly expense allowance of two hundred fifty dollars (\$250.00).

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Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 1.

Yeas:

Messrs.: Albright, Andrews, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Killian, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Trammell, Venable, Waggoner, Whatley, White, Williams and Wyatt.

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Nay: Mr. Teague.

—1

And the bill:

H. 376. Relating to Mobile County; to provide that any monies in the general fund of Mobile County may be used by the County governing body to pay the doctor, medical, hospital bills and any expenses required for rehabilitative purposes of any County employee who is injured in the line of duty; and to make provisions of this Act retroactive to January 1, 1973.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Teague, Trammell, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—66

RESOLUTION

The following resolution was introduced:

By Mr. Pegues:

H. R. 182. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the proposed rule as set forth below be adopted as House Rule 50-A of the Rules of the House:

Rule 50-A. Any member of the House serving on any House of Representatives standing committee or joint interim committee who shall absent himself from three (3) consecutive meetings of any one such committee shall be removed therefrom forthwith, and the committee secretary shall be responsible for immediately reporting the three (3) consecutive absences to the Speaker. The Speaker shall appoint the member of his choice to fill the vacancy thereby created.

Mr. Cates offered the following amendment to the resolution:

Amend H. R. 182 by striking the word "secretary" wherever it appears and add in lieu thereof the word "chairman".

And the amendment was adopted.

Yeas 54; Nays 21.

Yeas:

Mr. Speaker, Baker, Barron, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Edwards, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Holley, Jackson (F), Johnson, Jolly, Kennedy, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Rich, Roberts, Sasser, Smith (B), Smith (C), Sonnier, Teague, Warren, Whatley, White, Williams and Wyatt.

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Nays:

Messrs.: Andrews, Callahan, Cross, Dial, Glass, Gregg, Hilliard, Holmes, Hopping, Johnstone, LeFlore, McNair, Manley, Merrill, Naramore, Porter, Riddick, Sandusky, Trammell and Tucker.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show that Mr. Drake would have voted "Yea" on the bills, H. 1212, H. 1214, H. 1215 and H. 1216, had he been in the Chamber at the time of voting.

RESOLUTION

The following resolution was introduced:

By Mr. Biddle:

H. J. R. 183. WHEREAS, the United States Corps of Engineers has initiated a policy of erecting and maintaining bouyed barriers in the tailwater areas below Corps of Engineer dams in this State; and

WHEREAS, the barriers are placed so as to exclude fishing from boats for a distance of 800 feet below the Corps of Engineers dams; and

WHEREAS, the waters which are so excluded are public waters, owned by the citizens of this State, and furnish some of the best fishing to be found in any of the public waters of the State; and

WHEREAS, the Department of Conservation and Natural Resources has in the interest of safety promulgated and vigorously enforced a regulation requiring that anyone who rides in a boat or otherwise enters the waters of this State within 800 feet below any hydroelectric dam and/or navigation lock and dam wear a United States Coast Guard approved life preserver,

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That the United States Corps of Engineers immediately cease and desist from erecting and maintaining barriers to exclude entry of boats into the tailwater areas of Corps of Engineers dams and that all existing barriers erected in tailwater areas of this State by the Corps of Engineers or any other agency be immediately removed.

BE IT RESOLVED, FURTHER, That in the interest of safety, the Department of Conservation and Natural Resources continue to vigorously enforce the regulation requiring all persons who enter the waters of this State within 800 feet below any hydroelectric dam and/or navigation lock and dam to wear a United States Coast Guard approved life preserver.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the members of the Alabama Congressional Delegation, the Chief of the Corps of Engineers, and the Commissioner of the Alabama Department of Conservation and Natural Resources.

RESOLUTION

The resolution, H. J. R. 183, was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 90. Naming the new bridge crossing the Sofkahatchee Creek on U. S. 231 in Elmore County the "Ernest S. Collier Bridge."

Also:

H. J. R. 147. Printing and binding of Acts for 1975.

Also:

H. J. R. 142. Urging all members of the Legislature to work together to provide adequate funding to the correctional system.

Also:

H. J. R. 141. Relative to adjournment of the two houses.

Also:

H. J. R. 96. Mourning the death of Mrs. Helen Robbs Wallis.

Also:

H. J. R. 106. Commending Miss Pamela Kaye Long.

Also:

H. J. R. 107. Commending Miss Anita Sue Vaughan, "Miss Alabama 1975-1976".

Also:

H. J. R. 111. Commending Miss Pam Flowers—first runner-up in Miss USA Contest.

Also:

H. J. R. 112. Commending Probate Judge James T. Beeland for more than thirty-four years service as Probate Judge of Butler County, Alabama.

Also:

H. J. R. 113. Congratulating Earl M. McGowin upon his election to membership in the Alabama Academy of Honor.

Also:

H. J. R. 114. Mourning the death of Judge Virgis Marion Ashworth.

Also:

H. J. R. 98. Commending Douglas O. Benton.

Also:

H. J. R. 115. Commending Mrs. Florence C. Hurst.

Also:

H. J. R. 117. Mourning the death of Mrs. Lucinda Brown Robey.

Also:

H. J. R. 119. Commending Dr. Mort Glosser on his retirement as Superintendent of Gadsden City Schools.

Also:

H. J. R. 124. Commending General Rufus L. Billups.

Also:

H. J. R. 125. Commending General Daniel James, Jr.

Also:

H. J. R. 131. Wishing Representative Jackson a happy birthday.

Also:

H. J. R. 133. Congratulating Mr. and Mrs. George V. Mahoney on their Golden Wedding Anniversary.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

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H. 93. To amend the City of Dothan Pension and Retirement System, established by Act No. 103, Regular Session of the Alabama Legislature, approved June 18, 1953, and amended by Act No. 424, Regular Session of the Legislature, approved August 7, 1961; Act No. 509, Regular Session, approved August 20, 1965; Act No. 601, Regular Session, approved September 8, 1967; Act No. 59, Regular Session 1971, approved July 12, 1971.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Secretary of State at 11:05 A. M. On July 24, 1975.

H. 96

Delivered to the Governor at 3:45 P. M. on July 24, 1975.

H. J. R. 90
H. J. R. 147
H. J. R. 142
H. J. R. 141
H. J. R. 96
H. J. R. 106
H. J. R. 107
H. J. R. 111
H. J. R. 112
H. J. R. 113
H. J. R. 114
H. J. R. 115
H. J. R. 117
H. J. R. 119
H. J. R. 124
H. J. R. 125
H. J. R. 131
H. J. R. 133
H. J. R. 98
H. 93

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

Pursuant to the resolution, H. R. 172, heretofore adopted and on motion of Mr. McCulley, the House adjourned until 2:00 o'clock p. m., Tuesday, July 29, 1975.

Yeas 40; Nays 37.

Yeas:

Messrs.: Albright, Baker, Callahan, Carter, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Higginbotham, Hines, Hopping, Jackson (F), Johnson, Kennedy, Kinsey, LeFlore, Lewis, Lockett, McCulley, Malone, Manley, Martin, Merrill, Moore (W), Porter, Reed, Robertson, Sandusky, Shelton, Smith (J), Sonnier, Tucker, Warren, White and Williams.

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Nays:

Messrs.: Andrews, Armstrong, Campbell, Cates, Cross, Gregg, Hall, Harris, Hilliard, Holley, Johnstone, Kelley, Killian, Leonard, Lutz, McCluskey, McNair, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Turnham, Venable, Whatley and Wyatt.

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EIGHTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, July 29, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Earl Chumley, Pastor, First Baptist Church, Boaz, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventeenth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the seventeenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventeenth legislative day was approved.

LEAVE OF ABSENCE

On motion of Mr. Crowe, leave of absence was granted for Mr. Burgess, due to illness.

BILLS ON SECOND READING

Mr. Cross, Chairman of the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 253. To amend and re-enact sub-section (a) of Section 34, of Title 36, Code of Alabama, 1940, as amended, by adding thereto a new sub-section, relating to tire equipment on motor vehicles, to prohibit the operation on the highways of the state any vehicle with unsafe tires, to provide tire conditions which are unsafe and to prohibit the sale of unsafe tires.

H. 1067. To further amend Section 2 of Act No. 669, H. 792, Regular Session 1939 (Acts of 1939, p. 1066), now appearing as Title 48, Section 301 (2) of Code of Alabama, Recompiled 1958, as amended, so as to exclude motor vehicles engaged in hauling live or processed poultry and eggs from the provisions of the act.

Mr. Cross, Chairman of the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendments, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1281. (With Amendments): To amend Section 45 of Act No. 516, H. 769, 1949 of the Regular Session of the Legislature [Acts 1949, p. 740, now appearing in Code of Alabama 1940, Recompiled 1958, Title 36, Section 58 (45)], to further prescribe standards for motor vehicles hauling loads to prevent the shifting or dropping of articles onto the highway.

H. 996. (With Amendments): To amend Sections 8, 10, 14, 18, 20, 21, 22 and 24 of Act No. 576, Acts of Alabama 1959, page 1442, volume 2, as amended, entitled, "An Act Relating to the registration of vessels and their operation on the waters of this State and providing for water safety; providing for definitions; registration and identification of vessels used on the waters of this State by the Conservation and Natural Resources Department of this State; the enforcement of this act, duties of the commissioner of the State Department of Conservation and Natural Resources; fee schedule for vessel registration;

term of certificates and registration; establishment of a numbering and identifying system in compliance with Federal Boating Act of 1958 and any subsequent amendment thereto; prohibiting vessel operation when unnumbered; establishing exemptions from numbering provisions; requiring safety equipment; requiring records to be kept by boat liveries; requiring accident reports to be filed with Conservation and Natural Resources Department; certain operations of vessels prohibited; prohibition by local regulation of water safety; granting rule making authority to Commissioner of Conservation and Natural Resources with limitations as set out in this act; the establishment of license fees on vessels and providing penalties for violation of the provisions of this act; providing for an appropriation of \$32,500.00 to the Department of Conservation and Natural Resources for the administration of the provisions of this Act and for the transfer of certain monies to the Administrative Division of the Department of Conservation and Natural Resources; to provide for the appointment of special agents to sell boat licenses; to repeal all laws in conflict with the provisions of this Act."

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 990. Relating to Calhoun County; to provide that the provisions of Act No. 384, H. 946, 1969 Regular Session (Acts of 1969, p. 754) which provides a civil service system for the employees of the sheriff's office of Calhoun County shall apply to certain regular employees of Calhoun County; to repeal Act No. 138, S. 294, 1951 Regular Session (Acts of 1951, p. 363) and other conflicting acts.

H. 997. To create an Industrial Development Authority for Calhoun County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

H. 1065. To provide that bonds, notes and other securities issued by certain public hospital corporations organized in any county having a population of not less than 95,000 nor more than 115,000, according to the most recent federal decennial census, shall be exempt from laws governing usury or prescribing or limiting interest rates.

H. 1170. Relating to Lauderdale County; to provide for the salary of the members of the Jury Commission.

H. 1289. To amend the title and Section 1 of Act No. 235, H. 904, Regular Session 1965 (Acts 1965, P. 339), which provides further for redeeming land sold for taxes, transfers certain duties of the probate judge to the tax collector of certain counties classified on a population basis.

H. 1339. Relating to counties having a population of not less than 53,000 nor more than 55,000; to validate and confirm any contributions of county funds to the use of any non-profit volunteer rescue squad within the county between October 1, 1973 and October 31, 1974.

H. 1340. Relating to counties having a population of not less than 53,000 nor more than 55,000; to provide an additional allowance for the clerk hire fund of the office of probate judge in such counties, and making provisions hereof retroactive.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1157. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory, owned by the city and commonly referred to as Lagoon Park, all of which is located in Montgomery County, Alabama.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 490. (With Substitute) (With Amendments): To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1324. Relating to Tallapoosa County; to provide for branch banking under certain conditions.

H. 1325. To apply in all counties having populations of not less than 35,000 nor more than 38,000, according to the most recent Federal decennial census, to provide for the relief of Wilma M. Atkinson because of property damage sustained to her automobile.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 1328. (With Substitute): To provide further for the compensation and expense allowances of certain officers of Morgan County.

RESOLUTION

The following resolution was introduced:

By Mr. Crowe:

H. J. R. 184. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:30 p.m. on Tuesday, July 29, 1975, for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of two from the Senate, to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said

Committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. J. R. 184, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Messrs. Kelley, Sonnier and Williams.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Sparks and Drake:

H. 1361. To authorize any county in the state to acquire any water works plant or distribution system owned by a municipality or public corporation within such county and to assume any indebtedness connected therewith; to authorize any municipality in the state to sell or convey any such water works plant or water distribution system, or both, to the county in which the system is located, upon the assumption of any indebtedness connected therewith, without an election; and to require publication of a notice with respect thereto.

Local Government.

By Mr. Merrill:

H. 1362. This bill authorizes the Secretary of the Senate and the Clerk of the House to provide transcripts of bills and provide for payment of same.

State Administration.

By Mr. Cross:

H. 1363. Relating to Counties having populations of not less than 27,000 nor more than 27,500 providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations in such counties.

Local Legislation No. 1.

By Messrs. Smith (B), Riddick, Roberts, Carothers, Sasser, White and Greer:

H. 1364. To provide a formula for the allocation of the legislatively appropriated state funds for Community Mental Health Programs disbursed by the Alabama Mental Health Board.

Health.

By Mr. Owens:

H. 1365. Relating to ambulances; to provide that it shall be a misdemeanor for any person to summon an ambulance when it is not needed or to obtain or receive ambulance services without intending to pay for such services; to prescribe rules and procedures relative to the prosecution of such violations; to prescribe penalties for conviction of such violations; to authorize any county or municipality to use public funds to contract for ambulance service under certain conditions and to repeal all conflicting statutes.

State Administration.

By Messrs. Hines and Warren:

H. 1366. Relating to counties having populations of not less than 34,875 nor more than 36,000 inhabitants, according to the most recent federal decennial census, authorizing an appropriation from county funds for certain purposes.

Local Legislation No. 1.

By Messrs. Smith (C), Lutz, Smith (B), Albright, Hill and Greer:

H. 1367. To further amend Section 1, Act No. 47, H. 92, Special Session 1961, (Acts 1961, Vol. II, p. 1904), as last amended, entitled, "Further amending Act No. 47, Special Session 1961 (Acts 1961, p. 1904) now appearing in Alabama Code, Recompiled 1958, as Title 51, Section 12 (2); providing exemptions from taxation and licensing of certain charitable, religious, or civic organizations", so as to include the Alabama Society for Crippled Children and Adults, Inc., and its affiliates, and The Huntsville Foundation, Inc., in such exemptions.

Ways and Means.

By Mr. Smith (C):

H. 1368. To amend Code of Alabama 1940, Title 40, Section 1 and Act No. 431, S. 155, Regular Session 1943, [Acts 1943, p. 400, now appearing in Code of Alabama, Recompiled 1958, Title 40, Section 21], entitled "An Act To provide for the appointment by the Governor of a competent number of notaries public for the state at large; to fix their term of office and to define their jurisdiction, power and authority and to provide for making of bond and the adoption of a seal," as amended, to require the probate judge, upon issuance of a notary public commission, to report such to the secretary of state.

Local Government.

By Mr. Smith (C):

H. 1369. Making a supplemental appropriation to the Secretary of State.

Ways and Means.

By Mr. Gafford:

H. 1370. To exempt warrants issued by a county under the provisions of Act No. 1092 adopted at the 1973 Regular Session of the Legislature of Alabama for the purpose of paying the cost of re-appraisal of property as required by Act No. 160 adopted at the 1971 Third Special Session of the Legislature of Alabama from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940.

Banking.

By Mr. Gafford:

H. 1371. To exempt warrants issued by a county under the provisions of Act No. 220 adopted at the 1967 Regular Session of the Legislature of Alabama in anticipation of and payable solely out of that portion of the highway gasoline tax required by law to be distributed to counties which are subject to the provisions of such Act from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940.

Banking.

By Mr. Gafford:

H. 1372. To exempt warrants issued by a county under the provisions of Act No. 1128 adopted at the 1973 Regular Session of the Legislature of Alabama for the purpose of paying costs of acquiring and providing water works systems from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940.

Banking.

By Mr. Gafford:

H. 1373. To exempt warrants issued by a county under the provisions of Act No. 1092 adopted at the 1973 Regular Session of the Legislature of Alabama for the purpose of paying the cost of reappraisal of property as required by Act No. 160 adopted at the 1971 Third Special Session of the Legislature of Alabama from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940.

Banking.

By Mr. Gafford:

H. 1374. To exempt securities issued by any county payable from or secured by a pledge of any part of the tax proceeds of the special tax authorized to be levied under the second proviso of Section 215 of the Constitution of Alabama of 1901, as amended by Amendment CCVIII, and Title 12, Sections 185, 186 and 191 of the Code of Alabama of 1940, as amended, from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940.

Banking.

By Mr. Gafford:

H. 1375. Relating to taxation, to provide an exemption from Ad-valorem Taxes for personal property held by a licensed public warehouseman for the account of the manufacturer, compounder or processor to be distributed on his orders or for him by the warehouseman.

State Administration.

By Mr. Cates:

H. 1376. Relating to all counties having populations of not less than 22,000 nor more than 22,500, according to the most recent federal decennial census; providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations; validating, ratifying and confirming all prior deposits of such fines and forfeitures; repealing all conflicting laws and parts of laws, general, local, and special.

Local Legislation No. 1.

By Mr. Cates:

H. 1377. Relating to all counties having populations of not less than 22,000 nor more than 22,500 according to the most recent federal decennial census; providing an additional allowance of \$.25 per capita daily to the sheriff for feeding prisoners; and repealing conflicting laws.

Local Legislation No. 1.

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By Mr. Rich:

H. 1378. Providing that school bus drivers shall have up to 5 days of paid sick leave per year.

Ways and Means.

By Messrs. Taylor, Ford and Rich:

H. 1379. To repeal Act No. 164, H. 132, approved May 5, 1975, Third Special Session, 1975 entitled "An Act Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to authorize the County Commission, Board of Revenue or like governing body to impose an additional privilege or excise tax upon the sale, use or consumption of malt or brewed beverages within such counties; providing for the administration of the act and the collection and distribution of proceeds of the tax."

Local Legislation No. 1.

By Messrs. Taylor, Ford and Rich:

H. 1380. To repeal Act No. 209, H. 133, approved May 5, 1975, Third Special Session, 1975 entitled, "An Act Relating to counties having a population of not less than 90,000 nor more than 100,000, according to the most recent or any subsequent federal decennial census; authorizing the county commission, board of revenue or like governing body to impose a privilege or license tax upon the sale, distribution, storage, use or other consumption of cigarettes in such counties; providing for enforcement and collection of the tax, and making provisions for the distribution of the proceeds".

Local Legislation No. 1.

By Messrs. Taylor, Albright, Jackson (R), Kinsey, Malone, Robertson, Waggoner, Hopping, Andrews, Hall, Leonard, Hilliard, McNair, Trammell, LeFlore, Falkenburg, Wyatt, Porter, Carothers and Ford:

H. 1381. To provide for a guaranteed minimum starting wage or salary for all county or municipal law enforcement officers of this state and provide for the enforcement of the provisions of this act.

Local Government.

By Mr. Johnson:

H. 1382. Relating to counties having a population not less than 115,000 nor greater than 150,000, according to the latest federal decennial census; providing that the sheriff in such counties shall receive \$350 per month expense allowance, to become salary at the end of the present incumbent's term of office.

Local Legislation No. 1.

By Messrs. Barron, Lewis, Wyatt, Plaster and Harris (With Notice and Proof):

H. 1383. To amend Act No. 1606, H. 1891, 1971 Regular Session (Acts 1971, p. 2761), which creates in the City of Montgomery in connection with the regular organized and paid fire department of the City of Montgomery, the Montgomery Fire Fighters Pension Fund; amending Section 6, 9, 12, 15, 17 and 24 of said act so as to authorize the trustees of the Fund, in their discretion, to select and appoint a custodian of the assets of the Fund to serve in lieu of the Comptroller of the City and to select and appoint an investment trustee and to delegate to such investment trustee certain managerial powers relative to the handling, investment and reinvestment of such funds; to regulate

further the issuance of vouchers on the fund; to increase retirement benefits from such fund; to provide for the return of contributions upon the death of a member who does not leave a surviving spouse or surviving children under eighteen years of age; and to give retroactive effect to some of the provisions of this act.

Local Legislation No. 4.

Notice and Proof H. 1383:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF MONTGOMERY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend Act No. 1606, H. 1891, 1971 Regular Session (Acts 1971, p. 2761), which creates in the City of Montgomery in connection with the regular organized and paid fire department of the City of Montgomery, the Montgomery Fire Fighters Pension Fund; amending Sections 6, 9, 12, 15, 17 and 24 of said act so as to authorize the trustees of the Fund, in their discretion, to select and appoint a custodian of the assets of the Fund to serve in lieu of the Comptroller of the City and to select and appoint an investment trustee and to delegate to such investment trustee certain managerial powers relative to the handling, investment and reinvestment of such funds; to regulate further the issuance of vouchers on the fund; to increase retirement benefits from such fund; to provide for the return of contributions upon the death of a member who does not leave a surviving spouse or surviving children under eighteen years of age; and to give retroactive effect to some of the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 6, 9, 12, 15, 17, and 24 of Act No. 1606, H. 1891 of the 1971 Regular Session (Acts 1971, p. 2761), the act which establishes the Montgomery Fire Fighters Pension Fund, are hereby amended to read as follows:

"Section 6. The Comptroller of the City of Montgomery, or his duly appointed assistant, shall, subject to the right of change hereinafter provided, be the custodian of all assets belonging to the Montgomery Fire Fighters Pension Fund. The said Comptroller, or his duly appointed assistant, shall be liable on his official bond for the faithful performance of the duties imposed upon him under this act and for the faithful accounting for all monies, securities and things of value which come into his hands as said custodian, and he shall keep a separate account thereof which shall at all times reflect the true condition of said Funds. The said Trustees of the Montgomery Fire Fighters Pension Fund may at their discretion select another custodian in lieu of the Comptroller of the City of Montgomery or his duly appointed assistant, who shall be responsible for all pension funds and all other assets belonging to the Montgomery Fire Fighters Pension Fund delivered to it, such selection by said trustees shall be limited to a state or national bank doing business in Alabama.

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"Section 9. The members of the Board shall be trustees of all the assets of the Fund and shall have full power to invest and reinvest such assets in such stocks, bonds and other securities and properties as they may deem advisable, including preferred stocks, common stocks, debentures and unsecured obligations, undivided interest, interests in investment trusts, mutual funds, legal and discretionary common trust funds, group annuity and individual annuity contracts, and leases and real and personal property, either inside or outside of Alabama. The Board shall have full power to hold, purchase, sell, assign, transfer and dispose of any of the securities and investments in which any of the assets of the Fund may have been invested, as well as the proceeds of said investments and any monies belonging to the Fund. The Board may however appoint an investment trustee and delegate any or all of its powers relative to the handling, investment and reinvestment of such assets. No member nor employee of the Board, including the investment trustee hereinabove authorized, shall have any direct or indirect interest in the gains or profits of any investment made by the Board, nor as a member of the Board receive any pay or emolument for his services. No member or employee of the Board shall directly or indirectly, for himself or as an agent in any manner use the same, except to make such current and necessary payments as are authorized by the Board.

"Section 12. All payments from the Fund shall be made only upon regular vouchers signed by the custodian of the Fund unless a bank has been designated as custodian, in which event all payments from the Fund shall be made only upon regular vouchers signed by the secretary and one board member or any two board members. No voucher shall be drawn on such Fund except by order of the Board of Trustees which shall be duly and regularly entered in the record of the proceedings of said Board of Trustees.

"Section 15. Any member of the Fire Department who, while actively employed by the Fire Department, becomes permanently physically or mentally disabled for service in such Fire Department, from whatever source, upon the presentation to the Board of Trustees of satisfactory evidence of such disability, or upon such examination as may be required by the Board, be retired from such service, and upon such retirement, such member shall be entitled to a disability benefit of forty dollars per month and in addition thereto if such member has served as an employee of said Fire Department for more than 240 months, the further sum of one dollar per month for each year of service in such Fire Department by such retired member in excess of 240 months, provided however, that in no event shall such retired member be entitled to payment in excess of fifty dollars per month from such Fund, and provided further that such member, at the time of becoming disabled, enjoyed permanent status as an employee of said Fire Department. The above provision in reference to the payment of an additional sum of one dollar per month for each year of service shall apply to those who had heretofore retired as well as those who retire in the future, such payments as to those already retired shall begin as of the first payment period to such person following passage of this act.

"Section 17. Any employee of said Fire Department who has made contributions, as a member, for 240 months to the Fund whether such contributions were made in consecutive months or not, and who has not elected to withdraw his contributions to the Fund as provided hereinafter, upon making written application to the Board of Trustees therefor shall without medical examination or disability, be retired, and the said Board of Trustees shall direct the payment to such retired member from such Fund of the sum of forty dollars per month, and

in addition thereto if such member has served as an employee of said Fire Department for more than 240 months, the said Board of Trustees shall direct the payment to such retired member from such Fund of the further and additional sum of one dollar per month for each year of service in such Fire Department by such retired member in excess of 240 months, provided, however, that in no event shall such retired member be entitled to payment in excess of fifty dollars per month from such Fund. The payment under this Section shall be in addition to any retirement payment or annuity received by such retired member from any source or fund or under any other law or ordinance. The above provision in reference to payment of one dollar per month to such retired members who had served in excess of 240 months shall apply to members who had heretofore retired, such payments to those already retired shall begin as of the first payment period to such person following passage of this act.

"Section 24. If a member shall cease to be an employee of said Fire Department, for any reason other than death or retirement under the provisions hereof, he shall be paid on demand his accumulated contributions paid under the provisions of this Act; provided, however, that when an employee has withdrawn such accumulated contributions and is again employed by said Fire Department within thirty days, and again becomes a member of the Fund within such time, the Board may in its discretion allow such employee to repay such accumulated contributions as he has previously withdrawn and reinstate the prior service of such employee with such Fire Department for purposes of qualifying such employee under the provisions of this Act.

"If any member of the Fire Department shall die, on or after January 1, 1975, without leaving a surviving spouse or surviving children under eighteen years of age, then the accumulated contributions of such deceased member shall be paid by the Board of Trustees to the person designated by such member as his beneficiary, or if he has not designated a beneficiary, then to the estate of such deceased member or to his or her heirs according to the laws of intestacy of the State of Alabama which are in effect at the time of the death of such deceased member."

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MONTGOMERY

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. T. Johnson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Montgomery Independent, a newspaper of general circulation published in Montgomery County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1975.

W. T. JOHNSON.

REGULAR SESSION
18th Day

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Sworn to and subscribed before me July 25, 1975.

SUSAN WARD JOHNSON,
Notary Public.

By Mr. McCorquodale (With Notice and Proof):

H. 1384. Relating to Clarke County, Alabama; providing for the time of the meetings of the Clarke County Commission.

Local Legislation No. 1.

Notice and Proof H. 1384:

NOTICE OF LOCAL LAW

Notice is hereby given that a local Act in substantially the following form will be introduced in the approaching session of the Legislature of Alabama.

A BILL
TO BE ENTITLED
AN ACT

Relating to Clarke County, Alabama; providing for the time of the meetings of the Clarke County Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The Clarke County Commission, the governing body of Clarke County, Alabama, shall hold regular meetings of such governing body of Clarke County on each second and fourth Tuesday of each and every month.

Section 2. All laws or parts of laws which conflict with this Act are repealed insofar as they relate to counties to which this Act applies.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

STATE OF ALABAMA
CLARKE COUNTY

Before me, Juanita Bissette, a Notary Public in and for said County in said state personally appeared R. W. McGwier, who is known to me, and who, being duly sworn, deposes and says:

That he is Publisher of The Clarke County Democrat, a newspaper published weekly at Grove Hill, in Clarke County, Alabama, and that the following notice was published in said newspaper once a week for 4 successive weeks, said notice appearing in the following issues: May 15, 1975 to June 5, 1975, inclusive.

R. W. McGWIER,
Publisher.

Sworn to and subscribed before me this day of July 25, 1975.

JUANITA BISSETTE,
Notary Public, Clarke County, Ala.

By Messrs. Crawford and Williams:

H. 1385. To provide an appropriation by the State Legislature out of the General funds in the amount of \$300,000 per year beginning October 1, 1975, through September 30, 1977, for the State of Alabama,

State Planning and Development Districts as designated by Executive Order June 14, 1971, reference, Act No. 1126, Regular Session, 1969, at the rate of \$25,000 each per year.

Ways and Means.

By Messrs. Jackson (F) and Owens:

H. 1386. To provide for the conservation, management, enhancement and protection of non-game wildlife and endangered or threatened species; and to provide enforcement authority and penalties for violation of this Act.

Conservation.

By Mr. Smith (J):

H. 1387. To amend further Section 3 of Act No. 47, H. 29, Regular Session 1951 (Acts of 1951, p. 259), as last amended, which relates to the provision of educational benefits to certain disabled veterans so as to provide certain benefits for the wife and children of veterans who are advised of a retroactive grant of disability benefits.

Ways and Means.

By Messrs. Brindley, Mitchem, Roberts, Cross and Greer:

H. 1388. To amend Sections 15, as amended, 16 and 26 of Act No. 1049, S. 8, Legislature of 1969 (Regular Session), approved September 12, 1969 (Acts of 1969, Vol. III, pp. 1939-1965), an Act to provide for the mandatory inspection of the slaughter of cattle, sheep, swine, goats and equines, and poultry, and the preparation of carcasses, parts thereof, meat and meat food products of such animals, etc.; amend Sections 15 and 16 of said Act No. 1049 which relate to exemptions from the provisions of said Act by rules and regulations, and amend Section 26 of said Act No. 1049 which relates to enforcement of said Act by injunctive proceedings.

Agriculture.

By Mr. McCluskey (With Notice and Proof):

H. 1389. Relating to Coosa County, providing monthly expense allowances for the tax assessor, tax collector, and circuit clerk of said county; and giving this Act retroactive effect.

Local Legislation No. 1.

Notice and Proof H. 1389:

STATE OF ALABAMA
COUNTY OF COOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Coosa County, providing monthly expense allowances for the tax assessor, tax collector, and circuit clerk of said county; and giving this Act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax collector, the tax assessor, and the circuit clerk of Coosa County shall each be entitled to and shall receive a monthly

expense allowance, in addition to any and all salary, expense allowance or other compensation now payable to such persons, of \$250.00, payable in monthly installments from the general fund of such county.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective February 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF TALLADEGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Charles H. Greer, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Sylacauga News, a newspaper of general circulation published in Talladega County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 26, July 3, July 10, and July 17, all in the year 1975.

CHARLES H. GREER.

Sworn to and subscribed before me July 17, 1975.

LEE D. GREER,
Notary Public.

By Mr. McCluskey (With Notice and Proof):

H. 1390. Relating to Coosa County, providing for a clerk hire allowance not to exceed \$5,000 per year for the office of judge of probate of said county.

Local Legislation No. 1.

Notice and Proof H. 1390:

STATE OF ALABAMA
COUNTY OF COOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Coosa County, providing for a clerk hire allowance not to exceed \$5,000 per year for the office of judge of probate of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of Coosa County is hereby granted an allowance not to exceed \$5,000 per year, for the purpose of hiring one or more clerical personnel in such office. The allowance herein provided shall be payable from the county general funds, in monthly installments, not to exceed the prescribed annual amount.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF TALLADEGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Charles H. Greer, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Sylacauga News, a newspaper of general circulation published in Talladega County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 23, June 30, July 7, and July 14, all in the year 1975.

CHARLES H. GREER.

Sworn to and subscribed before me July 14, 1975.

LEE D. GREER,
Notary Public.

By Messrs. Greer, Smith (B) and Weeks:

H. 1391. To provide that any deer hunter who is 65 years of age or older may kill deer, whether female deer, doe, buck, or unantlered male deer with firearms; to provide the season for such deer hunters shall be the same as that for archery deer hunters.

Conservation.

By Mr. Rich (With Notice and Proof):

H. 1392. Relating to Etowah County; to provide for election of the county superintendent of education; to prescribe the qualifications, duties, term of office, and compensation of such officer; and to repeal Act No. 540, S. 593 of the Regular Session of 1967 and all other conflicting laws.

Local Legislation No. 1.

Notice and Proof H. 1392:

STATE OF ALABAMA COUNTY OF ETOWAH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Etowah County; to provide for election of the county superintendent of education; to prescribe the qualifications, duties, term

of office, and compensation of such officer; and to repeal Act No. 540, S. 593 of the Regular Session of 1967 and all other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only in Etowah County.

Section 2. The county superintendent of education of Etowah County shall be elected by only the qualified voters that reside in the area which he serves. The term of office of the superintendent of education shall be six (6) years. The superintendent must be a legal resident of such county. In the event of a vacancy in the office from any cause whatever, the county board of education shall fill such vacancy in the manner provided by the general laws of the State of Alabama, for the unexpired term until the next general election, at which time the position shall be filled for the remaining unexpired term.

Section 3. Any person who is employed by the county board of education or any board of education within the county who meets the qualifications for the office may run for the office of superintendent of education. An employee who does run for this office shall not be required to resign or take a leave of absence from the position which such person presently holds, so long as said person does not neglect the duties of his employment.

Section 4. The county superintendent of education of Etowah County shall be a person of good moral character, of recognized ability as a school administrator or as a classroom teacher, with academic accredited professional education equivalent to graduation from a standard university or college, having a master's degree, plus thirty (30) or more semester hours (or the equivalent) of successfully completed study at an accredited institution of higher learning on a graduate level, after having received a master's degree. (The last requirement is commonly referred to as the A. A. certificate.) Prior to being elected the superintendent shall have had at least five (5) years of public school administration experience or classroom teaching experience, or a combination of both.

Section 5. The Etowah County superintendent of education shall perform and discharge all the duties prescribed by general law for the county superintendent of education. The superintendent shall have the authority to appoint an assistant superintendent, if he deems an assistant necessary, and such assistant shall serve at the pleasure of the superintendent, and shall have the same qualifications as the superintendent. The superintendent shall also have all duties heretofore or hereafter prescribed by local law.

Section 6. The salary of the county superintendent of education and the assistant superintendent of education shall be fixed by the county board of education at an amount deemed adequate and feasible, which shall be payable at the time and in the manner prescribed by the general laws of Alabama regulating the payment of compensation of county superintendents of education.

Section 7. The provisions of this act relative to qualifications for office shall not apply to those who are currently serving as superintendent of assistant superintendent of education.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 9. Act No. 540, S. 593 of the Regular Session of 1967 and all other laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. It is intended that the provisions of this act relatively to election of the superintendent shall be in effect at the primary and general election at which the term beginning January 1, 1977 shall be filled.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF ETOWAH

Before me, the undersigned authority in and for said County in said State, this day personally appeared Walter Betz, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Secretary-Treasurer of the Gadsden Times, a newspaper of general circulation published in Etowah County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 12th, July 14th, July 20th, and July 27th, all in the year 1975.

WALTER BETZ.

Sworn to and subscribed before me 28th July, 1975.

PEGGY CULBERSON,
Notary Public.

By Messrs. Drake, Carter, Martin, Moore (W), Roberts, Cross, Naramore and Sparks:

H. 1393. To amend Act No. 811, H. 243, 1973 Regular Session [Acts 1973, p. 1236; now appearing in Code of Alabama, Recompiled 1958, Title 46, Sections 64 (2.01) to 64 (2.25)] known as the Auctioneers License Act, so as to exempt auctioneers selling certain types of property; to set a salary for the secretary of the state board; to make the state board financially self-sustaining; to provide further for examination procedure; to provide for licensing of non-resident auctioneers; and to authorize injunctions by the state board against the illegal actions of auctioneers.

Agriculture.

By Mr. Wyatt:

H. 1394. Relating to municipalities having a population of 100,000 or more according to the last or any subsequent census; to provide that within the area lying within the corporate limits and police jurisdiction of any such municipality the governing body of said municipality shall have the exclusive authority to regulate alcoholic beverages transactions in public places with respect to the hours or times at or during which alcoholic beverages may be sold, served, given away or consumed in public places and with respect to the restrictions on the gift, sale, service or consumption of such beverages in public places to or by persons not seated at tables; to authorize the governing body of any such municipality to adopt ordinances so regulating alcoholic beverages transactions in public places; to provide that the governing body of any such municipality shall have the power to adopt ordinances proscribing violations and offenses; to provide that any violation of any such ordinances shall constitute a misdemeanor; to establish the purposes of this Act; to repeal all laws or parts of laws in conflict herewith or insofar as are inconsistent herewith; to expressly

repeal Act No. 102 of the Regular Session of the Legislature of 1949, approved June 20, 1949 (Ala. Acts, 1949, p. 130) and Section 44, Title 29, Code of Alabama of 1940, as now or hereafter amended, insofar as they relate to any such municipalities.

Local Government.

By Messrs. Jackson (R), Falkenburg, Gafford, McNair, Armstrong, Hopping and Harrison:

H. 1395. Relating to counties having a population of 600,000 or more; prohibiting the county attorney of any such counties from engaging in private law practice while serving as county attorney.

Local Legislation No. 2.

By Mr. Cross:

H. 1396. To further amend the "Alabama Water Management Act," viz: Act No. 685, S. 364 of the Regular Session of 1965, [Acts of Alabama 1965, Regular Session, Vol. II, p. 1246, now appearing in the Code of Alabama Recompiled 1958 as Title 2, Sections 273 (1) to (58)] entitled "An Act To provide for the establishment of works of improvement for the drainage of wet, swamp, and overflowed lands of the State, and for flood prevention or the conservation, development, utilization and disposal of water within the State; to authorize the organization of water management districts; to confer the right of eminent domain to the extent necessary to carry out the purposes of this Act; to provide for raising revenue by taxation and bond issue to pay the costs and expenses of carrying out the purposes of this Act; designating drainage districts as water management districts; prescribing penalties; and repealing Code of Alabama 1940, Title 2, Sections 208-262" by further amending Section 5 of the Act, and by amending Sections 6, 14, 17, 19, 20, 21, 23 and 24, of the Act which relate to certain procedural aspects incident to the organization of Water Management Districts.

Conservation.

By Messrs. Harrison, Andrews, McNair, Howard, Boles, Jolly, Waggoner, Armstrong, Hall, Leonard, Hilliard, Trammell, Moore (O), White, Falkenburg, Biddle, Hopping, Gafford and Tucker:

H. 1397. To provide further for the compensation of certain election officers and workers in counties which have a population in excess of 500,000, according to the most recent federal decennial census, and to repeal all conflicting statutes.

Local Legislation No. 2.

By Messrs. Harris, Cates, Baker, Pegues, Armstrong and Plaster:

H. 1398. To exempt the South Alabama State Fair Association, Inc. from the payment of all state, county, and municipal sales and use taxes.

Ways and Means.

By Messrs. Harris, Cates, Baker, Pegues, Armstrong and Plaster:

H. 1399. To exempt the Southeastern Livestock Exposition, Inc. from the payment of all state, county, and municipal sales and use taxes.

Ways and Means.

By Mr. Folmar:

H. 1400. To authorize all counties having populations of not less than 24,900 nor greater than 25,150 according to the most recent federal

decennial census, to construct and maintain, wholly within the county, offices for persons engaged in the diagnosis, treatment and cure of sick and injured persons, buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or the records of such diagnosis or treatment or research with respect thereto, and appurtenant facilities (and to acquire sites therefor); to authorize any such county to borrow money and to issue interest-bearing bonds, warrants and notes for the purpose of financing the construction of any such offices, buildings and facilities, and the acquisition of such sites; to provide that such bonds, warrants or notes may be general obligations of the issuing county or may be limited as to their source of payment and to authorize special pledges therefor; to authorize any such county to lease to one or more physicians all or any part of such offices, buildings and facilities; to prescribe certain conditions precedent that must be complied with before a county may construct or finance any such offices, buildings and facilities; to prohibit a county from leasing or renting any such offices, buildings or facilities unless the lease or rental arrangement obligates the lessees or tenants to pay rental aggregating not less than the fair rental value thereof; and to provide that the failure of any such county to comply with the provisions of this act relating to the leasing or renting of such offices, buildings or facilities shall not affect the validity or legality of any securities issued for the purpose of constructing such offices, buildings and facilities.

Local Legislation No. 1.

By Messrs. Shelton, Burgess, Merrill and Quarles (With Notice and Proof):

H. 1401. To provide for the City of Piedmont in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Local Legislation No. 1.

Notice and Proof H. 1401:

STATE OF ALABAMA
COUNTY OF CALHOUN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for the City of Piedmont in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in the City of Piedmont in Calhoun County.

Section 2. As used in this act, unless the context clearly requires a different meaning: "city" means the City of Piedmont in Calhoun County; "employee" means any person including firemen and policemen, not expected by Section 3 of this act, who is employed in the service

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of the City of Piedmont; "board" means the civil service board created by this act; "appointing authority" means in the case of employees in the offices of the elected officers of the city, such elected officers; in the case of all other city employees, the city governing body, or the board or other agency supervising their work.

Section 3. The provisions of this act shall apply to all officers and employees in the service of the city or any board, agency or instrumentality thereof except: (a) elective officers; (b) members of appointive boards, commissions, and committees; (c) all employees of the city board of education engaged in the profession of teaching or in supervising teaching in the public schools; (d) attorneys, physicians, surgeons, nurses and dentists employed in their professional capacities and employees under the direct or indirect supervision of the Piedmont Hospital Board; (e) the judge of any court; (f) independent contractors receiving their remuneration from public funds under contracts awarded by competitive bidding; (g) any person whose employment is subject to the approval of the United States government or any agency thereof and (h) the secretary of the chief executive officer of the city.

Section 4. All employees of the city shall be governed by civil service rules and regulations prescribed in or promulgated pursuant to this act, administered by a civil service board, the creation of which is provided for in Section 5 hereof. Present employees shall remain in their respective employments during good behavior; but nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner hereinafter provided; and such employees, except for appointment, shall be subject fully to the provisions of this act.

Section 5. There is hereby created the Civil Service Board of the City of Piedmont, which shall be composed of three members appointed by the members of the legislature who represent the City of Piedmont or any portion thereof. The following groups shall each submit the names of three nominees to said legislative delegation:

1. All employees of the gas, water, street sanitation and electric department.
2. All employees of the police and fire department.
3. The Mayor and City Council.

The legislative delegation shall appoint one member from the nominees submitted by each group. Appointees shall serve for terms of Two (2) years; Four (4) years and Six (6) years, respectively, or until his successor is appointed. Thereafter, all appointees shall serve for a period of Six (6) years. Initial terms of office shall be determined by drawing names after nominees have been appointed. No person shall be appointed to the board who is not a resident and qualified elector of the City of Piedmont and over the age of twenty-five years.

Members of the board shall take the constitutional oath of office, which shall be filed in the office of the probate judge. Vacancies on the board shall be filled in the same manner as original appointments. The members of the board shall elect a chairman and secretary from among their number. Any member of the board who becomes a candidate for, or is elected or appointed to another public office vacates his office as a member of the board.

Section 6. Each member of the board shall be paid twenty dollars per month by the City of Piedmont. The board shall have power to appoint clerical assistance and engage legal counsel of its own choice.

Section 7. The board shall fix the times for its regular meetings; and it may hold special, adjourned or call meetings at any time. A majority of the members of the board shall constitute a quorum for the transaction of business. All meetings of the board shall be held in the city hall.

Section 8. The board shall keep minutes of its meetings and a record of all business transacted by it. Its records, except those the rules of the board require to be held confidential for reasons of public policy, shall be open for inspection by any resident of the city at all reasonable times.

Section 9. The board shall have power to make rules and regulations governing examinations, eligible registers, appointments, transfers, salaries, promotions, demotions, annual and sick leave, and such other matters as may be necessary to accomplish the purposes of this act. A rule or regulation may be made effective only after a public hearing is held on the proposal thereof and after a certified copy thereof has been filed with the city clerk. All employees shall be appointed upon a non-partisan merit basis. There shall not be appointed, and the board shall not examine, any person who is not a citizen of the United States. The board shall: 1) classify the different types of services to be performed in the service of the city; 2) prescribe qualifications, including those of education, training, and experience, for the appointees and incumbents of each class; 3) with the approval of the appointing authority, fix a maximum and minimum salary for each class; and 4) allocate each position in the service to its proper class. It shall provide for the periodic rating of employees according to their merit to determine whether they are maintaining standards of service. The board shall establish rules and regulations governing dismissals, suspensions, layoffs, terminations, and leaves of absence, and the severance of an employee's relationship with the city shall be in accordance with such regulations.

Section 10. The salary to be paid each subordinate employee shall be determined by his appointing authority; and the salary to be paid each department head employee shall be determined by the city governing body; but in every case the salary paid shall be within the pay plan and pay rules and regulations established by the board and shall be no more than the board approves. It shall be unlawful for any official or employee to draw or issue any warrant on the city treasury for the payment of salary to any employee covered by the provisions of this act unless the warrant is in an amount authorized by the board to be paid such employee. A sum paid as salary contrary to the provisions of this section may be recovered in an action brought by any resident of the city against the official or employee who draws or issues the warrant, or against the sureties on his bond.

Section 11. The board shall make and keep a register of all persons eligible and available for appointment to each class of position in the service of the city, ranked according to ability; it is provided, however, that no examination shall be given and no register kept for positions to be filled by persons designated by the board as common laborers. Layoffs available for reemployment shall be placed at the head of the proper present and subsequent eligible registers in the inverse order of their terminations. Employees who voluntarily terminate their services may be granted reemployment status upon proper eligible registers under such circumstances and in such manner as may be provided for in the board's rules and regulations, subject, however, to stipulations of this section concerning layoffs. Persons desiring appointment may file applications with the board, and the board shall, from time to time, conduct examinations to test the ability of such applicants. All qualified

applicants shall be examined, and examinations shall be public, competitive, and, subject to limitations specified by the board as to age, residence, health, height, weight, habits, moral character, and other factors pertinent to ability to discharge the duties of the position, open to all citizens of the United States. Examinations shall be practical in character and shall relate to those matters which test the ability of the person examined to discharge intelligently the duties of the position for which he applies. In no case shall an appointment be made from an eligible register which is more than two years old, and no eligible register shall be the result of more than one examination.

Section 12. Whenever a vacancy exists in any position in the service of the city, it shall be filled by appointment of one of the three persons who rank highest on the appropriate eligible register of the board or by transfer within the service of the city from another position of the same class. However, the ranking layoff of the same class shall be appointed in every instance. Whenever it is impossible for the board to certify eligible persons to a vacancy, the board may authorize the appointing authority to fill the vacancy temporarily pending the establishment of an eligible register. No such authorization may be given for longer than one hundred and twenty days, and no such employee shall have status under this act. All appointments, other than temporary appointments, shall be probationary for six months from the date of appointment. A probationary subordinate employee may be discharged by his appointing authority for unsatisfactory service at any time before the expiration of that period if the action is approved by the board; a probationary department head employee may be discharged or demoted similarly by his appointing authority upon approval by the board. After the expiration of the probationary period, an appointment shall become permanent.

Section 13. An appointing authority, shall have authority to suspend an employee for any personal misconduct, or fact, affecting or concerning his fitness or ability to perform his duties in the public interest. In the event an employee is suspended for more than thirty days, he shall be entitled to a public hearing by the board upon written demand filed within five days from the date of the order of suspension. If, after hearing, the board determines that the action of the appointing authority was not with cause, the suspension shall be revoked.

Section 14. a) The governing body of the city, any member of the governing body, or the head of any department or office can remove, discharge, or demote any employee, officer or official of the city who is subject to the provisions of this act and who is directly under such governing body, member thereof, or department head, provided that within five days a report in writing of such action is made to the board, giving the reason for such removal, discharge, or demotion. The employee shall have ten days from the time of notification of his discharge, removal, or demotion in which to appeal to the board. The board shall thereupon order the charges or complaint to be filed forthwith in writing and shall hold a hearing de novo on such charges. No permanent employee, officer, or official of the city whose employment comes within the jurisdiction of this act, and whose probationary period has been served, shall be removed, discharged, or demoted except for some personal misconduct, or fact, rendering his further tenure harmful to the public interest, or for some cause affecting or concerning his fitness or ability; and if such removal, discharge or demotion is appealed to the board, then the same will become final only after a hearing upon written charges or complaint has been had and after an opportunity has been given him appeal, the affected employee may be suspended; and after such

hearing the board may order said employee reinstated, demoted, removed, discharged, or suspended, or take such other disciplinary action as in their judgment warranted by the evidence and under the law. Charges may be filed by any resident citizen of the city as follows: the charges must be in writing, must set forth succinctly the matters complained of, and must be sworn to before any member of the board or before any person authorized to administer oaths. Upon the receipt of such charges, the board, after due consideration, shall determine whether in its opinion it considers that the good of the service will be served by a trial thereon; and, if not, such charges may be dismissed by the board. If in the judgment of the board such charges are of a minor nature, such charges may be referred by the board to the proper department head who shall make an investigation of the charges and make his recommendation to the board within such time as the board may prescribe, as to what disciplinary action, if any, should be taken. After such recommendation is made by the department head and after due notice is given to the affected employee of the receipt of such recommendation and the contents thereof, the board may, in its discretion, adopt and order executed the action recommended by the department head or any part thereof. However, if the complainant or the affected employee of the receipt of such recommendation and the contents thereof, the board may, in its discretion, adopt and order executed the action recommended by the department head or any part thereof. However, if the complainant or the affected employee, or both of them, objects to the recommendation of the department head, the board shall hold a public hearing de novo on the charges, and take such disciplinary action as in their judgment is warranted by the evidence and under the law. All hearings before the board shall be open to the public. All testimony given in all hearings before the board shall be taken down in shorthand by a stenographer. In all cases, the decision of the board shall be reduced to writing and entered in the record of the case. In all proceedings before the board, the city attorney may appear and prosecute all charges instituted by the city governing body or any member thereof or by any department head, when requested or directed to do so by such city governing body. It shall not be the duty of the city attorney to prosecute any charges brought by a private citizen. In all proceedings before the board, the city attorney may appear and represent the interests of the city, and he shall also give such legal advice and legal assistance to the board as may be requested by it.

The board and its specially authorized representatives shall have the power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation, or proceeding within the purview of this act. The chief of police or some other police officer of the city shall serve all processes of the board, and shall attend upon and preserve order at all public hearings conducted by the board. In case a person refuses to obey such subpoena, the board or its representative may invoke the aid of any circuit court in order that the testimony or evidence be produced. Upon proper showing, such court shall issue a subpoena or order requiring the person to circuit courts of this state, which fees shall be paid from the treasury of the city.

b) Any person aggrieved by a decision of the board may appeal such decision to the circuit court of Calhoun County in equity within thirty days from the rendition of such decision by the board. Review by the court shall be without a jury and be confined to the record, and to a determination of the questions of law presented; the board's finding of fact shall be final and conclusive.

Section 15. No employee shall make, solicit or receive any assessment, donation, subscription or contribution for any political purpose whatsoever, or be a member of a committee or an officer of a political party, or take any part in its management or affairs except to exercise his right as a citizen to express his opinion and cast his vote; no employee shall assist any candidate for nomination or election to public office, or make any public statement in support of or against any such candidate, or participate in any manner whatever in the campaign of any candidate in any general or primary election; and no employee shall receive any appointment or advancement as a reward for his support of a candidate for office or a political party; nor shall he be dismissed, suspended or reduced in rank or pay as punishment for his failure to support any candidate for political office.

Section 16. The compensation and all other expenses of the board arising under the provisions hereof shall be paid from funds of the city on the order of the board in the same manner as other city salaries and expenses are paid, provided, however, that the total expenditures in any one year shall not exceed Five Thousand Dollars (\$5,000.00) without the approval of the city governing body. The city governing body shall provide the board an office in the city hall, which shall be suitably equipped and furnished for the needs of the board, and telephone service, postage, office supplies and stationery.

Section 17. Any person in the service of the city by appointment under civil service rules or regulations who wilfully violates any of the provisions of this act, or any rule or regulation issued in pursuance thereof, shall be dismissed from service under the system and shall not be reappointed for two years.

Section 18. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor.

Section 19. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. All laws or parts of laws which conflict with this act are repealed.

Section 21. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CALHOUN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Cecil Weatherbee, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The Piedmont Journal, a newspaper of general circulation published in Calhoun County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1975.

CECIL WEATHERBEE.

Sworn to and subscribed before me July 24, 1975.

LANE WEATHERBEE,
Notary Public.

By Mr. Shelton:

H. 1402. To provide that any municipality with a population of 10,000 or less within a legally wet county may hold a referendum every four years on the question of allowing said municipality to become or remain legally dry.

Local Government.

By Messrs. Hilliard, Jackson (R), Harrison, Andrews, Trammell, Jolly, White, Falkenburg, McNair, Tucker, Hall, Hopping and Howard:

H. 1403. To allow any county having a population of 600,000 or more according to the most recent federal decennial census to sell to a licensed gun dealer or to maintain for its own use any gun seized under the provisions of Section 173, 174, or 175 of Title 14 of the Code of Alabama 1958 recompiled and amended.

Local Legislation No. 2.

By Mr. Johnstone:

H. 1404. To name this Act; to define the term "separate mineral interest;" to declare as legislative findings some of the disadvantages resulting from the proliferation of separate mineral interests, the need for compensating the State for such disadvantages, and the need for bolstering the revenues of the State; to impose an annual Separate Mineral Interest Tolerance Fee equal to one dollar (\$1.00) for every acre or part thereof to which such separate mineral interest appertains; to specify the date or dates on which such fees shall become due and payable; to establish procedures for declaration of separate mineral interests to the appropriate tax accessor and collection of such fees by the appropriate tax collector for remittance to the State Department of Revenue for payment into the General Fund of the State; to authorize and to require the Director of said Department to promulgate necessary and proper rules and regulations; to reunite such separate mineral interests with title to the surface rights in the event a default in payment of such fee persists for two years; to provide penalties for default in declaring such interests or in paying such fees; to establish procedures for collecting such penalties and transmitting them to the general fund of the state; to declare the Separate Mineral Interest Tolerance Fee to be cumulative with all other fees, levies, charges, taxes, and assessments; to repeal only those laws or parts of laws in direct conflict; and to provide severability and an effective date.

State Administration.

By Messrs. Boles, Turnham, Jackson (R), Armstrong, Jolly, Tucker, Hall, Hopping, Leonard, Harrison, Andrews, Trammell, Moore (O), White, Johnson, Crowe, Carter, Moore (W):

H. 1405. Providing a Uniform Honey Law, forbidding any product which is not pure honey from being branded or offered for sale as honey; providing penalties for violation of the act.

Agriculture.

By Messrs. Smith (B), Carter and Starkey:

H. 1406. To amend further Section 38 of Title 8 Code of Alabama of 1940, relating to the manner and method of obtaining state and county fishing licenses so as to increase the fees for such licenses and to designate the use of any revenue derived therefrom.

Conservation.

By Messrs. McMillan, McCulley, Sonnier, Cates, Wyatt, Owens, Sandusky, Warren, Callahan, Crowe, Carter, Drake, Kelley, Hines, Morris, Smith (C), Lewis, Holmes, Kinsey, Kennedy, Malone, Glass and LeFlore:

H. 1407. To provide an alternate manner and procedure for certain property owners to challenge the ad valorem assessment value; to establish the duties or rights of the tax assessor, the board of equalization; the property owner and buyer hereunder.

State Administration.

By Messrs. Owens, Manley, McCulley, Baker, Whatley, Edwards, Dial, Teague, McCluskey, Pegues, Smith (C), Jackson (F), Waggoner, Sandusky, Shelton, Callahan, Moore (O), Drake, Biddle, Mitchem, Kelley, Cross, Roberts, Carter, Sonnier and Folmar:

H. 1408. This bill levies an additional annual privilege license on every person, firm, company, corporation or association, receiver or trustee, but not a governmental subdivision, engaged in any business, vocation, occupation, calling or profession. This additional license shall be procured and paid for as hereinafter provided.

State Administration.

By Messrs. Morris, Crowe, Manley, McCorquodale, Gafford, Pegues, Campbell, Shelton, Armstrong, Warren, Hines, Smith (J), Sandusky, Callahan, White, Lee, Naramore, Gregg, Smith (B), McCulley, Carter, Moore (O), Harris, Smith (M) and Folmar:

H. 1409. To repeal Act No. 21, Regular Session of the Legislature of 1969, as amended, which Act relates to the levying of a privilege or license tax against certain persons and utilities on account of the furnishing of certain utility services.

State Administration.

By Messrs. Morris, Crowe, Manley, McCorquodale, Gafford, Pegues, Campbell, Shelton, Armstrong, Warren, Hines, Moore (O), Smith (J), Sandusky, Callahan, White, Lee, Naramore, Gregg, McCulley, Smith (B), Carter, Harris, Smith (M) and Folmar:

H. 1410. To repeal Act No. 37 Regular Session of the Legislature of Alabama 1969, as amended, which Act levies an excise tax on account of the use, storage or consumption in the State of Alabama of certain utility services.

State Administration.

COMMITTEE APPOINTED

Under the provisions of H. J. R. 40, the Speaker of the House announced the appointment of Messrs. Sandusky, Jackson (F), Smith (M), Crowe, Cross, Biddle and Owens as House members of the Long-Range Highway Development Study Committee.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

The following resolutions were introduced:

By Mr. Andrews:

H. J. R. 185. COMMENDING JOHN A. TROXLER, PASTOR OF THE SEVENTY-SIXTH STREET PRESBYTERIAN CHURCH.

WHEREAS the Reverend John A. Troxler has faithfully served the congregation of the Seventy-Sixth Street Presbyterian Church; and

WHEREAS the Reverend John A. Troxler has devoted his life to serving ALMIGHTY GOD and helping his fellow-man; and

WHEREAS the Reverend John A. Troxler is a saintly man and an instrument of the HOLY SPIRIT in the leadership of God's flock; and

WHEREAS the Reverend John A. Troxler not only serves the needs of his congregation, but performs a vital service to his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Reverend John A. Troxler of the Seventy-Sixth Street Presbyterian Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of such wonderful and faithful service, and

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the Reverend John A. Troxler.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 185, on the Clerk's desk for one legislative day.

Also:

By Mr. Andrews:

H. J. R. 186. COMMENDING MIKE TODD, PASTOR OF THE LAKE HIGHLAND BAPTIST CHURCH.

WHEREAS the Reverend Mike Todd has faithfully served the congregation of the Lake Highland Baptist Church; and

WHEREAS the Reverend Mike Todd has devoted his life to serving ALMIGHTY GOD and helping his fellow-man; and

WHEREAS the Reverend Mike Todd is a saintly man and an instrument of the HOLY SPIRIT in the leadership of God's flock; and

WHEREAS the Reverend Mike Todd not only serves the needs of his congregation, but performs a vital service to his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Reverend Mike Todd of the Lake Highland Baptist Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of such wonderful and faithful service, and

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the Reverend Mike Todd.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 186, on the Clerk's desk for one legislative day.

Also:

By Mr. Andrews:

H. J. R. 187. COMMENDING JOHN N. FOSTER, PASTOR OF THE LAKEWOOD BAPTIST CHURCH.

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WHEREAS the Reverend John N. Foster has faithfully served the congregation of the Lakewood Baptist Church; and

WHEREAS the Reverend John N. Foster has devoted his life to serving ALMIGHTY GOD and helping his fellow-man; and

WHEREAS the Reverend John N. Foster is a saintly man and an instrument of the HOLY SPIRIT in the leadership of God's flock; and

WHEREAS the Reverend John N. Foster not only serves the needs of his congregation, but performs a vital service to his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Reverend John N. Foster of the Lakewood Baptist Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of such wonderful and faithful service, and

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the Reverend John N. Foster.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 187, on the Clerk's desk for one legislative day.

Also:

By Mr. Pegues:

H. R. 188. Reduction of State Merit System Employee by Attrition.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that the state merit system employees will be reduced by 10%. This reduction will take place by attrition.

It shall be the duty of the State Personnel Officer to determine the number of merit system employees in each department as of March 1, 1975. No department will be allowed to employ any personnel until the number of employees has been reduced by more than 10%. New employees may be added only to bring department personnel up to 10% reduction level.

Exceptions to this reduction are (1) persons working in Mental Health, (2) law enforcement officers actually working in the field such as State Troopers and Conservation Department enforcement officers, (3) personnel employed by the Board of Corrections.

This resolution will terminate September 30, 1976.

The resolution, H. R. 188, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Higginbotham:

H. J. R. 189. MOURNING THE DEATH OF THOMAS M. LAMBERT, SR.

WHEREAS, on July 26, 1975, Thomas M. Lambert, Sr., a resident of Opelika for 50 years died; and

WHEREAS, Mr. Lambert was a respected Lee County Businessman and founded Lambert Transfer and Storage, Inc. in 1925; and

WHEREAS, throughout his life he was well known for his intense honesty, dedication to hard work and integrity; and

WHEREAS, he was deeply loved by his 18 grandchildren and 9 great grandchildren and influenced their lives with his love and devotion to his family; and

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses concurring, that this body does mourn the passing of Thomas M. Lambert, Sr., and does send sincere condolences to the surviving members of his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife and children; Ealon M. Lambert, Montgomery; Douglas Lambert, Florence; Mrs. C. E. Hunley, Opelika; T. M. Lambert, Jr., Florence and Dr. Charles Lambert, Talladega.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 189, on the Clerk's desk for one legislative day.

Also:

By Mr. Wyatt:

H. J. R. 190. PROCLAIMING MISS MILDRED SMITH AS MONTGOMERY COUNTY'S NO. 1 CITIZEN.

WHEREAS Miss Mildred Smith, a reporter for the Montgomery Advertiser for many years and currently a columnist for the Montgomery Independent, the Troy Messenger and the Luverne Journal, has contributed generously and endlessly to Montgomery County; and

WHEREAS the tireless Miss Smith has dedicated her life to improving the quality of living in Montgomery County. She was a pioneer in establishing the Dixie Electric Corporation which brought electricity to many rural residents, as well as a leader in the rural water association which succeeded in providing pure water to hundreds of families; and

WHEREAS Miss Mildred Smith was the founder of the Mon-Cre Telephone Corporation which brought communication to the Southern part of Montgomery County and to the Northern part of Crenshaw County; and

WHEREAS she has long been a staunch supporter of education, assisting many deserving students with scholarships; and

WHEREAS through her activities as a reporter, Miss Smith has supported and aided many civic groups and worthwhile organizations; and

WHEREAS South Montgomery Academy recognized the many contributions of Miss Smith by holding a "Mildred Smith Day"; and

WHEREAS she has always remained cheerful and strong under extreme hardships, even when her house recently burned after being struck by lightning; and

WHEREAS this legislature would like to recognize and pay tribute to this fine, gentle lady who has given so much to her community, county, and state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we proclaim Miss Mildred Smith as Montgomery County's No. 1 Citizen.

RESOLVED FURTHER, That a copy of this resolution be sent to Miss Smith.

On motion of Mr. Wyatt, the rules were suspended and the resolution, H. J. R. 190, was adopted.

Also:

By Messrs. Smith (M) and Baker:

H. R. 191. A TRIBUTE TO MR. DOUG BENTON.

WHEREAS, Mr. Doug Benton did assume the cabinet level post of Director of the Alabama Bureau of Publicity and Information; and

WHEREAS, Since assuming said post of honor he has by personal example and extreme determination and perseverance led it to heights unthought of by those of lesser magnitude; and

WHEREAS, He has proclaimed the virtues, resources, capabilities, and potential of the great State of Alabama to every audience within his grasp; and

WHEREAS, He has gone far beyond the requirements or obligations of his job to tell the good news of Alabama throughout the land; NOW, THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That this body does hereby take this opportunity to stop, pause and thank Mr. Doug Benton for his numerous efforts to promote the tourist attractions and natural resources of Alabama; and

BE IT FURTHER RESOLVED, That he be duly recognized for the distinct honor of having been named "State Travel Director of the Year;" and that Mr. Doug Benton be forwarded a copy of this resolution as a small memento of the high esteem felt for him by the Alabama House of Representatives.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 191, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 192. A TRIBUTE TO THE RANDOLPH COUNTY POLL WORKERS.

WHEREAS, there are elections almost every year in Randolph County, and

WHEREAS, there is a group of men and women who are always in charge of the machines, registration papers and other business; and

WHEREAS, they always perform their duty and conduct on election day to the best of their abilities; and

WHEREAS, it would be difficult, yea even impossible, to replace their collective talents, abilities and contributions;

THEREFORE BE IT RESOLVED that the Alabama House of Representatives does hereby take notice of the fine work done by the Randolph County Poll Workers; and

BE IT FURTHER RESOLVED that the Poll Workers be praised and thanked for the many hours they have contributed to the furtherance of election quality; and

BE IT FURTHER RESOLVED that a copy of this resolution enacted by the Alabama House of Representatives be sent to each Poll Worker in Randolph County.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 192, on the Clerk's desk for one legislative day.

Also:

By Mr. Glass:

H. J. R. 193. COMMENDING N. R. HORTON FOR HIS CONTRIBUTIONS TO THE SEAFOOD INDUSTRY.

WHEREAS pioneering boat builder N. R. Horton, president of Marine Builders, Inc., Mobile, Alabama, has recently completed his latest contribution to the seafood industry, an 86-foot steel shrimper, "Champ"; and

WHEREAS the "Champ" incorporates two specially designed hydraulic winches which are the result of five years of thinking and planning by Horton; and

WHEREAS the design of these hydraulic winches is but the latest of a series of innovations in shrimping made by Horton. Back in 1944 he launched the first steel shrimper and in 1971 he began launching 83-foot mini-factory ships, carrying their own grading, packaging and freezing facilities; and

WHEREAS N. R. Horton deserves much praise and recognition for his contributions to the shrimping industry; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend N. R. Horton to whom a copy of this resolution shall be sent.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 193, on the Clerk's desk for one legislative day.

Also:

By Mr. Callahan:

H. J. R. 194. CONGRATULATING REPRESENTATIVE KEN MALONE.

WHEREAS our distinguished colleague, Representative Ken Malone, has been honored with a nomination for election to the office of Secretary of the Southwest Labor Council; and

WHEREAS Representative Ken Malone has a very distinguished and honorable career in the field of labor; and

WHEREAS Representative Malone is not only extremely capable but very deserving of this position; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish Representative Malone every success toward this prestigious position and encourage the members of the Southwest Labor Council to so honor him with their vote.

On motion of Mr. Callahan, the rules were suspended and the resolution, H. J. R. 194, was adopted.

Also:

By Mr. Hill:

H. R. 195. REGRETTING THE ILLNESS OF MRS. BEULAH "NANNIE" MARLER.

WHEREAS Mrs. Beulah Marler, now a citizen of Florence, Alabama, has always been of a kind and generous nature and has consistently given of her time and efforts to help others; and

WHEREAS she has been a great-grandmother for almost twenty-three years; and

WHEREAS Mrs. Marler worked for many years in field of public health service in Bullock County; and

WHEREAS she is thought of lovingly and all who have come to know her, love her; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That we regret the illness of Mrs. Beulah Marler and wish her a speedy recovery so that she may go on loving and being loved by others.

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Marler.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 195, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill and Senate Joint Resolution, your signature thereto is requested:

S. 160. To amend Section 1 of Act No. 22, H.1, Regular Session 1953 (Acts 1953, p. 25), providing for the speed of motor vehicles on the highways of this State so as to give the Governor certain authority to establish a different rate of speed in order to receive federal funds.

Also:

S. J. R. 49. Urging the National Boat Law Administrator's Association to study the possibility of protective covers for boat propellers.

MCDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL AND SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill and Senate Joint Resolution, the titles of which are set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING

And the bill:

H. 920. To provide for additional expense allowances for certain public officials in Washington County.

Having been postponed on the seventeenth legislative day, was temporarily postponed.

And the bill:

H. 751. To authorize and empower the director of the Madison County License Department to charge and collect a fee of \$1.00 for the performance of duties relative to the recording of the transfer of ownership of motor vehicles as prescribed in Title 51, Section 706, Code of Alabama 1940, as last amended; to provide that all fees so collected shall be the property of the county and shall be paid into the general fund of the county; to repeal conflicting laws.

Having been postponed on the seventeenth legislative day, was taken up.

H. 751 POSTPONED

On motion of Mr. Lutz, the bill, H. 751, was postponed to the nineteenth legislative day.

And the bill:

H. 130. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to provide that any city or county school board may, upon recommendation of the superintendent, make temporary loans not to exceed a total of \$750,000.00 in anticipation of revenue derived from privilege or license taxes upon the sale of malt or brewed beverages, provided that any amount borrowed must be used for capital outlay purposes; providing for renewals of such loans in certain circumstances; and providing for the issuance, registration, payment, cancellation, and exemption from taxation of certificates relating to revenue pledged for the payment of such loans.

Having been postponed on the seventeenth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Messrs.: Baker, Barron, Brindley, Campbell, Carter, Cross, Drake, Ford, Gafford, Glass, Greer, Gregg, Harris, Hines, Holley, Jackson (F), Johnstone, Killian, Lewis, Lockett, Lutz, McMillan, McNeese, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Roberts, Sasser, Smith (B), Smith (M), Starkey, Taylor, Turnham, Venable, Waggoner, Warren, White and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1153. (With Substitute): Relating to the eighth judicial circuit; to provide a further additional expense allowance for each judge and for the district attorney of the circuit.

Having been postponed on the seventeenth legislative day, was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the eighth judicial circuit; to provide a further additional expense allowance for each judge and for the district attorney of the circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Each circuit judge of the eighth judicial circuit shall be entitled to receive an expense allowance in an amount equal to 25 percent of any and all salary increases such judge may hereafter receive from the State of Alabama. Such expense allowance shall be payable in monthly installments out of the general funds of the counties within the eighth judicial district, in equal shares from each county. The expense allowance prescribed herein shall be the only expense allowance payable to said judges out of the General Funds of the counties within the eighth judicial district.

Section 2. The district attorney for the eighth judicial circuit shall be entitled to receive an expense allowance in an amount equal to 20 percent of any and all salary increases such officer may hereafter receive from the State of Alabama. Such expense allowance shall be payable in monthly installments out of the general funds of the counties within the eighth judicial district, in equal shares from each county. The expense allowance prescribed herein shall be the only expense allowance payable to said judges out of the General Funds of the counties within the eighth judicial district.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

COMMITTEE SUBSTITUTE TABLED

On motion of Mr. Drake, the substitute reported by the Standing Committee on Local Legislation No. 1, was tabled.

SUBSTITUTE OFFERED

Mr. Drake offered the following substitute to the bill, H. 1153:

A BILL
TO BE ENTITLED
AN ACT

Relating to the eighth judicial circuit; to provide expense allowances for each judge, the district attorney, the assistant district attorney, and each court reporter of the circuit; to make such allowances retroactive to April 1, 1975; and to provide for a salary supplement in lieu of the expense allowances commencing upon expiration of prohibitions prohibiting salary increases as to each officer.

Be It Enacted by the Legislature of Alabama:

Section 1. Each circuit judge of the eighth judicial circuit, shall be entitled to receive an expense allowance in an amount equal to 25% of

the amount paid now or hereafter in salary by the State of Alabama, payable in monthly installments out of the general funds of the counties within the eighth judicial circuit, in equal shares from each county. Such expense allowance shall be in addition to any and all other salary or compensation payable to such judge by the State of Alabama but shall be in lieu of any and all compensation or allowance heretofore payable to such judge by the counties composing the circuit.

Section 2. The district attorney for the eighth judicial circuit shall be entitled to receive an expense allowance in an amount equal to 20% of the amount paid now or hereafter in salary by the State of Alabama, payable in monthly installments out of the general funds of the counties within the eighth judicial circuit, in equal shares from each county. Such expense allowance shall be in addition to any and all other salary or compensation payable to such district attorney by the State of Alabama but shall be in lieu of any and all compensation or allowance heretofore payable to such district attorney by the counties composing the circuit.

Section 3. The assistant district attorney for the eighth judicial circuit shall be entitled to receive an expense allowance in the amount of \$50 per month from each county within the circuit. Such expense allowance shall be in addition to any and all compensation such officer may now or hereafter receive from the State of Alabama or the counties composing said circuit, and shall be paid from the general funds of such counties.

Section 4. Each court reporter for the eighth judicial circuit shall be entitled to receive an expense allowance in the amount of \$50 per month from each county within the circuit. Such expense allowance shall be in addition to any and all compensation such officer may now or hereafter receive from the State of Alabama or the counties composing said circuit, and shall be paid from the general funds of such counties.

Section 5. The expense allowances provided hereinabove shall be payable retroactively to April 1, 1975.

Section 6. Immediately following the expiration of any constitutional or statutory prohibition preventing an increase in the salary of the circuit judges or the district attorney of the eighth judicial circuit, the expense allowance herein provided for shall cease to be payable to the officer to whom the expiring prohibition applied, and such officer shall be entitled to receive a supplemental salary in the same amount and from the same sources as the expense allowance herein provided for that officer.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 52; Nays 0.

Yeas:

Messrs. Albright, Baker, Barron, Brindley, Callahan, Campbell, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Gregg, Harris, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Smith (B), Smith (M), Sparks, Starkey, Turnham, Venable, Warren, Weeks, Whatley, White and Wyatt.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1153. Relating to the eighth judicial circuit; to provide expense allowances for each judge, the district attorney, the assistant district attorney, and each court reporter of the circuit; to make such allowances retroactive to April 1, 1975; and to provide for a salary supplement in lieu of the expense allowances commencing upon expiration of prohibitions prohibiting salary increases as to each officer.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Messrs. Albright, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carter, Cates, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes, Howard, Jackson (F), Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Turnham, Venable, Warren, Weeks, Whatley and Wyatt.

—60

And the bill:

H. 1005. Relating to counties having populations of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; to regulate further the taking of fish from public streams; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the taking of non-game fish from public lakes; prohibiting the sale of fish so taken; prescribing penalties for violation of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Messrs. Albright, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carter, Cates, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Holley, Holmes, Howard, Jackson (F), Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Venable, Warren, Whatley and Wyatt.

—58

And the bill:

H. 1063. Relating to Houston County; to provide an additional expense allowance for the Coroner.

Was taken up.

H. 1063 TEMPORARILY POSTPONED

On motion of Mr. Holley, the bill, H. 1063, was temporarily postponed.

And the bill:

H. 1115. (With Amendment): Relating to Russell County; to provide for an additional expense allowance for members of the county commission and for certain clerks of the county commission.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 1115 by adding in Section 1, line 23 after the period the following sentence: Said expense allowance shall become effective upon a majority vote of the Commission and shall remain in effect until rescinded by the Commission.

Also, in Section 2, line 26 add after the word commission and the comma the words: not to exceed \$250.00.

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Messrs.: Baker, Barron, Boles, Brindley, Campbell, Carter, Cates, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hines, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McNeas, Manley, Martin, Merrill, Moore (O), Moore (W), Pegues, Plaster, Quarles, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley and Wyatt.

—55

And the bill, H. 1115 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Messrs. Baker, Barron, Boles, Brindley, Campbell, Carter, Cates, Drake, Folmar, Glass, Greer, Gregg, Hall, Harris, Hill, Hines, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Martin, Mitchem, Moore (O), Moore (W), Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley and Wyatt.

—56

And the bill:

H. 1117. (With Amendment): To provide further for solicitor's and district attorney's fees in the 26th Judicial Circuit; establishing a "District Attorney's Fund" and providing for its use and expenditure.

Was taken up.

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The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 1117 by renumbering Sections 5 and 6 to read as Sections 6 and 7, so as to add a new Section 5 to read as follows: Section 5. Said District Attorneys fund shall become effective upon a majority vote of the Commission and shall remain in effect until rescinded by the Commission.

And the amendment was adopted.

Yeas 57; Nays 0.

Yeas:

Messrs. Baker, Boles, Brindley, Carter, Cates, Cross, Drake, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley and Wyatt.

—57

And the bill, H. 1117 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Messrs. Baker, Brindley, Campbell, Carter, Cates, Cross, Drake, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley and Wyatt.

—57

And the bill:

H. 1118. (With Amendment): Relating to Russell County; to authorize the Russell County Commission to pay certain expenses incurred relative to certain investigations carried out by the District Attorney or Sheriff and to prescribe procedure for making such payments.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 1118 on line 26 after the word expenses by deleting the period, and insert in lieu thereof, a comma and the following words: provided that such expenses are approved by the Russell County Commission prior to any out of state trip being taken.

And the amendment was adopted.

Yeas 61; Nays 0.

Yeas:

Messrs. Albright, Baker, Boles, Brindley, Callahan, Campbell, Carter, Cates, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks and Whatley.

—61

And the bill, H. 1118 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Messrs. Albright, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Reed, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White and Wyatt.

—67

And the bill:

H. 1119. (With Amendment): Relating to Russell County; to provide an expense allowance for the coroner in said county.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 1119 by adding in Section 1, line 21 after the period the following sentence: Said expense allowance shall become effective upon a majority vote of the Commission and shall remain in effect until rescinded by the Commission.

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Messrs. Albright, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carter, Cates, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Howard, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—63

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And the bill, H. 1119 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 1.

Yeas:

Messrs. Baker, Barron, Boles, Brindley, Callahan, Campbell, Carter, Cates, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes, Howard, Jackson (F), Jolly, Killian, Kinsey, Lewis, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Mefrill, Moore (O), Morris, Naramore, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley and White.

—54

Nay: Mr. Johnstone.

—1

And the bill:

H. 1174. Relating to Autauga County; to provide further for the distribution of fines and forfeitures in certain cases.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Messrs. Albright, Baker, Barron, Boles, Brindley, Callahan, Carter, Cates, Cross, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Holmes, Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Turnham, Weeks and White.

—57

And the bill:

H. 1189. To create the office of supernumerary sheriff for Blount County, Alabama and to prescribe the qualifications, duties, appointment, elections and salary of such office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Messrs. Albright, Baker, Barron, Callahan, Carter, Cates, Cross, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Plaster, Riddick, Roberts, Sasser, Smith (B), Smith (M), Sparks, Starkey, Turnham, Venable, Warren, Weeks, White and Wyatt.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1234. (With Amendment): To require every county in the state of Alabama having a population of not less than 39,500 nor greater than 41,500 to provide a civil service merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend HB 1234 by deleting the figure 41,500 and insert in lieu thereof 41,750 wherever it appears.

And the amendment was adopted.

Yeas 54; Nays 0.

Yeas:

Messrs. Albright, Baker, Brindley, Callahan, Campbell, Carter, Cates, Cross, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Hill, Hines, Holley, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNeese, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Turnham, Venable, Warren, White and Wyatt.

—54

And the bill:

H. 1234. To require every county in the state of Alabama having a population of not less than 39,500 nor greater than 41,750 to provide a civil service merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Messrs. Albright, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Cates, Cross, Folmar, Glass, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes, Howard, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Lewis, Lutz, McCluskey, McMillan, McNeese, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks and Wyatt.

—55

And the bill:

H. 1247. Relating to all counties having a population not less than 22,000 nor greater than 22,500; providing that jurors' compensation in such counties shall be \$12 per day and 10c per mile.

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Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Messrs. Albright, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carter, Cates, Cross, Falkenburg, Folmar, Gafford, Glass, Greer, Hall, Harris, Hines, Holley, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Plaster, Quarles, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Turnham, Venable, Warren, Weeks, White and Wyatt.

—57

And the bill:

H. 1253. Relating to Walker County; amending Act No. 598, H. 1640, Regular Session 1973 (Acts 1973, p. 858), which act creates the office of Assistant District Attorney for the Fourteenth Judicial Circuit, so as to provide further for the compensation of such assistant.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Messrs. Albright, Baker, Barron, Boles, Brindley, Campbell, Carter, Cates, Ceburn, Cross, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hines, Holley, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Plaster, Quarles, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, White and Wyatt.

—62

And the bill:

H. 1254. Relating to Walker County; to abolish the office of Solicitor of the County Court of Walker County and transfer all duties of said office to the district attorney's office of said county, providing also that the salary heretofore payable to the solicitor of the County Court of Walker County shall hereafter be transferred to the district attorney's office of the Fourteenth Judicial Circuit to be used for the salary of the assistant district attorney.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Messrs. Albright, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carter, Cates, Ceburn, Cross, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin,

Merrill, Mitchem, Moore (W), Naramore, Owens, Plaster, Roberts, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Turnham, Venable, Waggoner, Warren, White and Wyatt.

—58

And the bill:

H. 1261. Relating to Colbert County; providing for the further and additional definitions of "Hospital" for the purpose of defining any "Hospital" operated or to be operated by any Corporation already incorporated or which may hereafter be incorporated in Colbert County, Alabama, under the provisions of Article 5, Title 22, Code of Alabama, and to provide for further and additional powers for any corporation already incorporated or which may be incorporated in Colbert County under the provisions of Article 5, Title 22, Code of Alabama, (1940) as amended and recompiled.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Messrs. Albright, Baker, Barron, Boles, Brindley, Campbell, Carter, Cates, Coburn, Cross, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Hill, Hines, Holley, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Pegues, Plaster, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White and Wyatt.

—62

And the bill:

H. 1265. To provide an additional expense allowance for the tax collector of Conecuh County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Messrs. Albright, Armstrong, Baker, Boles, Campbell, Carter, Cates, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Hines, Holley, Holmes, Jackson (F), Johnstone, Jolly, Kelley, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (W), Naramore, Pegues, Plaster, Reed, Rich, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, White and Wyatt.

—58

And the bill:

H. 1272. Relating to Clarke County; to provide for branch banking.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Messrs. Albright, Armstrong, Baker, Biddle, Boles, Campbell, Carter, Cates, Coburn, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hines, Holley, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Pegues, Plaster, Reed, Rich, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Trammell, Turnham, Venable, Warren, Weeks, White and Wyatt.

—62

And the bill:

H. 1277. To amend further Act No. 37, S. 69, Special Session 1964 (Acts of 1964, p. 58) which regulates the compensation of jurors in certain counties classified on a population basis.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Messrs. Albright, Baker, Boles, Campbell, Carter, Cates, Coburn, Cross, Drake, Falkenburg, Folmar, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hines, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kinsey, LeFlore, Lewis, Lutz, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (W), Naramore, Pegues, Plaster, Reed, Rich, Roberts, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Weeks and Wyatt.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1278. Relating to Lawrence County; to provide that a certain percentage of the proceeds accruing to the Alabama Department of Aeronautics from any rental or lease agreement covering certain lands in said county shall be deposited to the Lawrence County general fund; requiring all such leases to be let on a competitive bid basis.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Messrs. Albright, Baker, Boles, Campbell, Carter, Cates, Clark, Coburn, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hines, Holley, Holmes, Howard, Jackson (F), Johnstone, Kelley, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore

(W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Smith (B), Smith (C) Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Weeks, White and Wyatt.

—58

And the bill:

H. 1282. Repealing Act No. 1177, H. 2219 (Acts of 1971, p. 2033), entitled "An Act Relating to the appointment of the superintendent of education by the county school board in counties having a population of not less than 34,100 and not more than 34,900 according to the most recent federal decennial census."

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Messrs. Albright, Baker, Boles, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cross, Drake, Falkenburg, Folmar, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hines, Holley, Holmes, Howard, Jackson (F), Johnstone, Kelley, Kennedy, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Weeks and Wyatt.

—60

And the bill:

H. 1283. Relating to Coffee County; providing that the superintendent of education in said county shall be elected; such election to be held every four years; only qualified electors residing in the school district served by such superintendent shall be entitled to vote in such election.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Messrs. Albright, Baker, Boles, Callahan, Campbell, Carter, Cates, Coburn, Cross, Drake, Falkenburg, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hines, Holley, Holmes, Howard, Jackson (F), Johnstone, Kelley, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sasser, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable and White.

—57

And the bill:

H. 1288. To regulate qualifications of persons engaging in the bail bond business in all counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Messrs. Albright, Armstrong, Baker, Boles, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cross, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hines, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kinsey, LeFlore, Lewis, Lockett, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (W), Naramore, Plaster, Riddick, Roberts, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Turnham and Venable.

—53

And the bill:

H. 1298. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Dora in Walker County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Messrs. Albright, Baker, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Jackson (F), Johnstone, Kelley, Kennedy, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Reed, Riddick, Roberts, Sasser, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable and Weeks.

—60

And the bill:

H. 1302. To authorize the County Commission of Randolph County to provide for the relief of the Farm Bureau Insurance Company for the payment of a claim arising from a wreck between a Randolph County truck and a car driven by James East.

Was taken up.

H. 1302 POSTPONED

On motion of Mr. Smith (M), the bill, H. 1302, was postponed to the nineteenth legislative day.

And the bill:

H. 1304. Relating to counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to provide for an additional expense allowance for the county superintendent of education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Messrs. Albright, Baker, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cross, Dial, Drake, Edwards, Folmar, Gafford,

Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Kelley, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Weeks, White and Wyatt.

—66

And the bill:

H. 944. To amend Act No. 17 of the Second Special Session of the Legislature of Alabama of 1975, approved March 10, 1975, which provided in every County of the State having a population of 600,000 or more according to the last or any subsequent Federal Census for the temporary detention, care and handling of mentally ill persons, pending formal commitment proceedings to determine whether such person should be committed to the Alabama State Hospitals.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Messrs. Albright, Armstrong, Baker, Boles, Callahan, Campbell, Carothers, Carter, Coburn, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Turnham, Venable, White and Wyatt.

—61

RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. R. 196. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when the House adjourns today it adjourns to meet on Thursday, July 31, 1975, at 12:00 o'clock noon.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 196, was adopted.

BILLS ON THIRD READING RESUMED

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Carter, the rules were suspended in order to bring up out of order the bill, H. 968.

And the bill:

H. 968. Relating to any county having a population of not less than 39,500 nor more than 41,500, to abolish the fine and forfeiture fund of such county; to provide for the payment of certain fines and forfeitures collected into the general fund of the county; to provide for the payment of certain claims from the general fund of the county in lieu of the fine

and forfeiture fund and to provide for the registration of those claims now outstanding and those hereafter accruing.

Was taken up.

Mr. Carter offered the following amendment to the bill:

Amend H. B. 968 by deleting the figure 41,500 and insert in lieu thereof 41,750 wherever it appears.

And the amendment was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Boles, Carter, Cates, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Kelley, Kennedy, Kinsey, LeFlore, Lewis, Lockett, Lutz, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Warren, Weeks and Wyatt.

—57

And the bill:

H. 968. Relating to any county having a population of not less than 39,500 nor more than 41,750, to abolish the fine and forfeiture fund of such county; to provide for the payment of certain fines and forfeitures collected into the general fund of the county; to provide for the payment of certain claims from the general fund of the county in lieu of the fine and forfeiture fund and to provide for the registration of those claims now outstanding and those hereafter accruing.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Carter, Cates, Coburn, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Pegues, Plaster, Reed, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks and Wyatt.

—63

And the bill:

H. 1063. Relating to Houston County; to provide an additional expense allowance for the Coroner.

Having been temporarily carried over, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Brindley, Carters, Carter, Cates, Coburn, Crawford, Cross, Drake, Falkenburg, Fol-

mar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White and Wyatt.

—73

And the bill:

H. 746. To provide for the rehabilitation of persons convicted of crime and sentenced to a term of confinement or detention and treatment in the county jail or other correctional facility of any county of this State having a population of 500,000 or more, according to the last or any subsequent Federal Census, and to provide that a jail or other correctional facility operated by such county in cooperation with another county or other counties shall be a correctional facility of such county within the meaning of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Carothers, Carter, Cates, Coburn, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—76

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Greer to suspend the rules in order to bring up out of order the bill, H. 1059, was lost, lacking a four-fifths vote.

Yeas 11; Nays 3.

Yeas:

Messrs. Albright, Boles, Brindley, Carothers, Coburn, Gafford, Goodwin, Greer, McCulley, Martin and White.

—11

Nays: Messrs. Hill, Jackson (F), and Manley.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BILLS ON THIRD READING RESUMED

And the bill:

H. 1266. To authorize certain savings and loan associations to establish a branch or branches in certain parts of Chambers County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Riddick, Roberts, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—65

And the bill:

H. 1296. To authorize the Chambers County Commission or other like governing body to appoint an assistant county engineer; to provide for his compensation; to prescribe certain qualifications and duties; to provide for state participation in his salary and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Boles, Brindley, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Jackson (F), Johnstone, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Pegues, Plaster, Reed, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Warren, Whatley, White and Williams.

—59

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Smith (M) to suspend the rules in order to bring up out of order the bill, H. 643, was lost.

LEAVE OF ABSENCE

On motion of Mr. Harrison, leave of absence was granted for Mr. Cooper, for military duty.

BILLS ON THIRD READING RESUMED

And the bill:

H. 226. To require every person using, operating or driving a motor vehicle upon or over the roads and highways of the State of Alabama to bring said motor vehicle to a complete stop when approaching a church

bus, or other vehicle used in transporting persons to and from church, while said church bus or other vehicle used in transporting persons to and from church is engaged in taking on or discharging passengers and prescribing the penalty for violating the provisions of this act.

Having been postponed on the sixteenth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 18.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Cates, Clark, Coburn, Crawford, Cross, Crowe, Edwards, Ford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Holmes, Hopping, Jackson (F), Jolly, Kennedy, Killian, LeFlore, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Reed, Rich, Roberts, Robertson, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White and Williams.

—58

Nays:

Messrs.: Barron, Carothers, Dial, Harrison, Holley, Jackson (R), Leonard, Lewis, Lutz, McCluskey, McNair, Moore (O), Morris, Pegues, Sasser, Teague, Weeks and Wyatt.

—18

RESOLUTION

The following resolution was introduced:

By Mr. Campbell:

H. J. R. 197. REQUESTING THE STATE HIGHWAY DEPARTMENT TO ALLOW FULL UTILIZATION OF ANY EXISTING HIGHWAY PRISONER CAMPS FOR THE PURPOSE OF HOUSING PRISONERS.

WHEREAS all members of the Legislature and most of the public in Alabama is fully aware of the terrible problems created by the overcrowded conditions in the Alabama Prison System; and

WHEREAS there is great need to find housing to thin out the overcrowded population in most of our prison institutions; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they request the State Highway Department to allow the fullest possible use and utilization of all highway road camps throughout the state for the housing of prisoners.

BE IT FURTHER RESOLVED, That the State Highway Department is hereby urged to refrain from demolishing any existing prison camps.

Mr. Campbell offered the motion to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 197.

DIVISION OF THE QUESTION

The motion of Mr. Gafford for the division of the question was adopted.

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Yeas 52; Nays 9.

Yeas:

Messrs.: Armstrong, Baker, Barron, Callahan, Campbell, Coburn, Crawford, Cross, Dial, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes, Howard, Johnson, Kennedy, Kinsey, Lewis, Lockett, McCluskey, McMillan, Malone, Manley, Merrill, Moore (O), Pegues, Plaster, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Taylor, Venable, Weeks, Whatley, White, Williams and Wyatt.

—52

Nays:

Messrs.: Albright, Carothers, Jackson (R), Kelley, Killian, LeFlore, Lutz, Mitchem and Riddick.

—9

H. J. R. 197 TEMPORARILY POSTPONED

On motion of Mr. Campbell, the resolution, H. J. R. 197, was temporarily postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 184. Relative to a Joint Session of the two Houses.

And the President and Presiding Officer of the Senate has appointed as members on part of the Senate Messrs. Jones, Shelby, Pearson and McDonald (A).

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Crowe, the House concurred in and adopted the Senate amendment to the resolution, H. J. R. 184, said Senate amendment being as follows:

Amend H. J. R. 184 by striking out the word "three" on line six and the word "two" on line eight and inserting in lieu thereof the words "five" and "four".

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House in accordance with the Senate amendment to the resolution, H. J. R. 184, Messrs. Higginbotham and Carter.

BILLS ON THIRD READING RESUMED

And the bill:

H. 314. To provide for the control and disposal of solid wastes as generated by the general public, businesses, institutions, and industry, and to require counties and municipalities to provide for the collection and disposal of solid wastes and authorize them to charge a fee therefor, and to contract for such services to be performed by others and to permit the formation of districts for areas beyond corporate limits or cooperative

joint or mutual agreements between county governments and municipal governments for the operation and implementation of solid wastes management in a manner meeting public health standards, and granting authority for the establishment of rules and regulations to enforce the provisions of this Act, and to provide a penalty for violating this Act and rules and regulations pursuant thereto in the interest of the public health, comfort and safety.

Having been postponed, as amended, on the fifteenth legislative day, was taken up.

H. 314 TEMPORARILY POSTPONED

On motion of Mr. Albright, the bill, H. 314 as amended, was temporarily postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Armstrong, the rules were suspended in order to bring up out of order the bill, H. 531.

And the bill:

H. 531. (With Substitute): To further provide for the authority of police officers appointed pursuant to the provisions of Section 500 of Title 52 of the Code of Alabama of 1940, as amended, and Act No. 1125, adopted at the 1969 Regular Session of the Legislature of Alabama.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To further provide for the authority of police officers appointed pursuant to the provisions of Section 500 of Title 52 of the Code of Alabama of 1940, as amended, and Act No. 1125, adopted at the 1969 Regular Session of the Legislature of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Any police officer appointed pursuant to the provisions of Section 500 of Title 52 of the Code of Alabama of 1940, as amended, or Act No. 1125, adopted at the 1969 Regular Session of the Legislature of Alabama, is a peace officer whose authority extends to any place in the State; provided that the primary duty of any such police or peace officer shall be the enforcement of the law on property owned or leased by the institution of higher education employing said peace officer; provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in pursuit of any offender or suspected offender who is charged with the commission of a crime while on the premises of said institution; (2) to make arrests otherwise lawfully for crimes committed, or for which there is probable cause to believe have been committed, within his presence or within the boundaries of said property owned or leased.

Section 2. The provisions of this Act granting authority to police officers at institutions of higher learning in the State of Alabama are not intended to limit or abridge any powers heretofore granted to said officers by law, and the provisions of this Act are, therefore, to be considered cumulative.

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Section 3. The provisions of this Act shall be severable, and if any section, clause or provision of this Act is declared unconstitutional or held invalid, it shall not affect any other section, clause or provision, but the same shall remain effective.

Section 4. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Boles, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Jackson (F), Jackson (R), Johnson, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, White and Wyatt.

—76

And the bill, H. 531 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Biddle, Boles, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Jackson (F), Jackson (R), Johnson, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—78

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Robertson, the rules were suspended in order to bring up out of order the bill, H. 903.

Yeas 53; Nays 9.

Yeas:

Mr. Speaker, Armstrong, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Crowe, Drake, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Harris, Hill, Holley, Holmes, Hopping, Jackson (F), Johnson, Kennedy, Kinsey, McCulley, Martin, Merrill, Naramore, Owens, Plaster, Reed, Rich, Roberts, Robertson, Shelton, Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—53

Nays:

Messrs.: Cross, Kelley, Leonard, Lewis, Lutz, Manley, Mitchem, Riddick and Smith (B).

—9

And the bill:

H. 903. To amend Sections 1 and 8 of Act No. 999, H. 288 Regular Session 1969 (Acts 1969, p. 1855-1866, now appearing in Code of Alabama Recompiled 1958, Title 55, Section 475, (37-56), as last amended; to provide further for the Alabama Peace Officers Annuity and Benefits Fund; to redefine certain words and terms; to revise eligibility requirements and retirement benefits.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Jolly, Kelley, Kennedy, Killian, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, White, Williams and Wyatt.

—86

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Clark and Smith (C) as co-sponsors to the bill, H. 903.

RESOLUTION

The following resolution was introduced:

By Messrs. Biddle, Drake and Crowe:

H. R. 198. REQUESTING THE CAPITOL CAFETERIA TO REMAIN OPEN ON LEGISLATIVE DAYS.

WHEREAS due to the calls and duties of the House of Representatives many of its members, pages, and employees are unable to maintain a normal lunch schedule; and

WHEREAS the cafeteria is to serve the employees of the State Capitol; and

WHEREAS it is important for the members to keep up their strength for the grueling duties of the House of Representatives; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That the Capitol Cafeteria is hereby requested to remain open on Legislative days until five o'clock unless the Legislature adjourns at an earlier time.

On motion of Mr. Biddle, the rules were suspended and the resolution, H. R. 198, was adopted.

BILLS ON THIRD READING RESUMED

And the bill, H. 314 as amended, having been temporarily carried over, was again taken up.

MOTION TO TABLE LOST

The motion offered by Mrs. Quarles to table the motion offered by Mr. Killian to indefinitely postpone the bill, H. 314 as amended, was lost.

Yeas 19; Nays 55.

Yeas:

Messrs.: Albright, Cates, Dial, Gafford, Greer, Hill, Holmes, Howard, Johnson, Kennedy, McNair, Martin, Morris, Plaster, Robertson, Smith (C), Smith (J), Tucker and Venable.

—19

Nays:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Callahan, Campbell, Carothers, Clark, Coburn, Crawford, Cross, Drake, Edwards, Folmar, Glass, Goodwin, Gregg, Hall, Higginbotham, Hines, Holley, Jackson (F), Jolly, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Pegues, Quarles, Rich, Riddick, Sandusky, Sasser, Shelton, Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Warren, Weeks, White and Williams.

—55

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 184. Relative to a joint session to be held on Tuesday, July 29, 1975 for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 314 RESUMED

H. 314 INDEFINITELY POSTPONED

On motion of Mr. Killian, the bill, H. 314 as amended, was indefinitely postponed.

Yeas 58; Nays 24.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Hopping, Jackson (F), Jolly, Kelley, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Merrill, Moore (W), Pegues,

Quarles, Rich, Riddick, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Warren, Weeks, Whitley and Williams.

—58

Nays:

Messrs.: Albright, Cates, Dial, Gafford, Greer, Harrison, Hill, Hilliard, Holmes, Howard, Jackson (R), Johnson, Kennedy, Martin, Mitchem, Morris, Naramore, Plaster, Reed, Roberts, Smith (J), Tucker, Venable and White.

—24

MOTION TO RECESS LOST

The motion offered by Mr. Callahan, that the House recess until 6:15 o'clock, p. m., was lost.

NOTICE IN WRITING FILED

Mr. Gafford filed the following Notice in Writing:

Notice is hereby given that on the next legislative day I will make a motion to delete House Rule 46.

H. 1059 RECONSIDERED

Having voted on the prevailing side, Mr. Manley moved to reconsider the vote by which the rules were not suspended in order to bring up out of order the bill, H. 1059, and the motion was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Clark, Coburn, Crawford, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Higginbotham, Hopping, Howard, Jackson (F), Jackson (R), Kelley, Lewis, Lockett, McCluskey, McCulley, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Owens, Pegues, Quarles, Reed, Rich, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Warren, Weeks, White and Wyatt.

—56

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Greer, the rules were suspended in order to bring up out of order the bill, H. 1059.

Yeas 17; Nays 2.

Yeas:

Messrs.: Armstrong, Boles, Brindley, Carothers, Coburn, Cross, Crowe, Goodwin, Greer, Jackson (F), Malone, Manley, Martin, Moore (O), Roberts, Teague and White.

—17

Nays: Messrs. Hill and Howard.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REGULAR SESSION
18th Day

1297

And the bill:

H. 1059. Relating to Lauderdale County; providing further for the election of the members of the county board of education and county superintendent of education.

Was read a third time at length and lost.

Yeas 3; Nays 3.

Yeas: Messrs. Coburn, Greer and White. —3

Nays: Messrs. Hill, Quarles and Tucker. —3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Moore (O) to suspend the rules in order to bring up out of order the bill, H. 640, was lost, lacking a four-fifths vote.

Yeas 37; Nays 14.

Yeas:

Messrs.: Andrews, Biddle, Boles, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Hines, Hopping, Johnstone, Jolly, Kinsey, Lee, Manley, Merrill, Moore (O), Moore (W), Pegues, Plaster, Reed, Sasser, Smith (C), Trammell, Tucker, Waggoner, White and Williams.

—37

Nays:

Messrs.: Armstrong, Barron, Gregg, Holmes, Kennedy, LeFlore, Leonard, Lewis, Mitchem, Naramore, Riddick, Roberts, Starkey and Wyatt.

—14

H. J. R. 197 RESUMED

The resolution, H. J. R. 197, having been temporarily postponed, was again taken up.

Mr. Starkey offered the following amendment to the resolution:

Beginning on line 29 insert the following words:

Be It Further Resolved, That nothing in this resolution shall be construed so as to house prisoners at Camp Scottsboro or at any other highway road camp which is presently being used as a juvenile detention facility.

MOTION TO TABLE LOST

The motion offered by Mr. Campbell to table the amendment offered by Mr. Starkey to the resolution, H. J. R. 197, was lost.

Yeas 17; Nays 35.

Yeas:

Messrs.: Albright, Campbell, Carter, Coburn, Goodwin, Hines, Holmes, Jackson (F), Kinsey, Lockett, McCluskey, McMillan, McNair, Pegues, Sasser, Turnham and White.

—17

Nays:

Messrs.: Andrews, Cates, Cross, Folmar, Ford, Glass, Gregg, Harris, Higginbotham, Hill, Hilliard, Hopping, Howard, Johnstone, Killian, LeFlore, Lewis, Lutz, McNeas, Moore (O), Naramore, Plaster, Reed, Riddick, Roberts, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Trammell, Tucker, Weeks and Wyatt.

—35

The question was then on the adoption of the amendment offered by Mr. Starkey to the resolution, H. J. R. 197, and the amendment was adopted.

And the resolution, H. J. R. 197 as amended, was adopted.

BILLS RE-REFERRED

On motion of Mr. Holmes to re-refer, the Speaker re-referred the bills, H. 1359 and H. 1360, from the Standing Committee on Local Government to the Standing Committee on Local Legislation No. 4.

RECESS

On motion of Mr. Manley, the House recessed until 6:15 o'clock p. m.

HOUSE RECONVENED

The hour of 6:15 o'clock p. m. having arrived, the House reconvened. The Speaker called the House to order.

JOINT SESSION

The hour of 6:30 o'clock p. m. having arrived, the Senate and House of Representatives of the Legislature of Alabama met in joint session in the Hall of the House of Representatives, in accordance with House Joint Resolution No. 184 heretofore adopted, for the purpose of hearing an address by the Honorable George C. Wallace, Governor of the State of Alabama.

The joint session was called to order by Honorable Jere Beasley, Lieutenant Governor and Presiding Officer of the Senate.

Thereupon, Honorable George C. Wallace, Governor of the State of Alabama, delivered his address to the Members of the Legislature of Alabama.

The Lieutenant Governor and Presiding Officer of the Senate then announced that the purpose of the joint session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

REGULAR SESSION
18th Day

1299

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolution hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:25 P. M. On July 29, 1975.

H. J. R. 184

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

Pursuant to the resolution, H. R. 196, heretofore adopted and on motion of Mr. Venable, the House adjourned until 12:00 o'clock noon, Thursday, July 31, 1975.

NINETEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, July 31, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Robert McPheeters, First Presbyterian Church, Tallassee, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

LEAVES OF ABSENCE

On motion of Mr. Harrison, leave of absence was granted for Mr. Cooper, for military duty.

On motion of Mr. Crowe, leave of absence was granted for Mr. Burgess, due to illness.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighteenth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the eighteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighteenth legislative day was approved.

BILLS ON SECOND READING

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1408. This bill levies an additional annual privilege license on every person, firm, company, corporation or association, receiver or trustee, but not a governmental subdivision, engaged in any business, vocation, occupation, calling or profession. This additional license shall be procured and paid for as hereinafter provided.

H. 1409. To repeal Act No. 21, Regular Session of the Legislature of 1969, as amended, which Act relates to the levying of a privilege or license tax against certain persons and utilities on account of the furnishing of certain utility services.

H. 1410. To repeal Act No. 37 Regular Session of the Legislature of Alabama 1969, as amended, which Act levies an excise tax on account of the use, storage or consumption in the State of Alabama of certain utility services.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 988. Relating to the practice of Veterinary medicine and surgery which provides for permits to veterinarians for animal technicians; for the examination and registration of animal technicians; for the payment of examination and registration fees; and which prescribes penalties for violation of the Act; and further providing annual educational requirements for veterinarians with exceptions for certain licensees; and further by amending Section 18 of Act No. 945 of the Regular Session of the Legislature 1951, which relates to the expenses of the Board members.

H. 989. To further amend, and to revise and re-enact Title 22, Chapter 2, of the Code of Alabama of 1940 to provide further and more adequately for the protection against rabies.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 129. (With Substitute) (With Amendments): To provide for the licensing of speech pathologists and audiologists; to establish an Alabama Board of Examiners for Speech Pathology and Audiology; to define the powers and duties of such board; to prescribe licensing standards, procedures, and fees; to provide a penalty for violation of this Act; and to repeal conflicting laws.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 694. (With Amendment): Relating to cotton gins and the regulations thereof by the Department of Agriculture and Industries; to amend Section 172 of Title 2 of the Code of Alabama of 1940, as heretofore amended by Act No. 401, H. 190, approved August 16, 1965, (Acts of Alabama of 1965, Vol. I, p. 577) relating to the annual permit fee required for the operation of a cotton gin; prescribing the amount of such permit fee, and the date on which this Act shall become effective.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1095. Relating to the membership of the State Board of Agriculture and Industries; to amend Sections 25 and 27 of Title 2 of the Code of Alabama of 1940, as amended, to provide that the Dean and Director of the School of Agriculture and Agricultural Experiment Station of Auburn University shall be a member of the State Board of Agriculture and Industries; and, that any ex officio member of said Board may designate or appoint any member of his staff to attend meetings in his place and stead when such ex officio member cannot attend.

H. 1133. To allow heads of households to make wine at home in the amount and in the manner as prescribed by Federal law, and to repeal any conflicting laws.

H. 1405. Providing a Uniform Honey Law, forbidding any product which is not pure honey from being branded or offered for sale as honey; providing penalties for violation of the act.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 308. To designate the Largemouth Bass as the official fresh water fish of Alabama.

S. 102. To amend Section 1 of Act No. 1515, H. 37, 1971 Regular Session [Acts of 1971, p. 2629; now appearing in Code of Alabama, Recompiled 1958, Title 8, Section 30 (1)], entitled "To provide for the cost of and establish the procedure for obtaining an annual resident state hunting license"; so as to provide for the issuance of a permanent life-time hunting license for all residents over 65 years of age at no cost and upon the payment of nominal issuance fee; repealing Act No. 546, S. 437, 1965 Regular Session [Acts of 1965, p. 796; now appearing in Code of Alabama, Recompiled 1958, Title 8, Section 31 (1)].

S. 305. To amend Section 106 of Title 8, Code of Alabama 1940, as amended, pertaining to the penalty for killing domestic animals while hunting.

S. 306. To amend Section 5 of Act No. 266, Acts of Alabama, 1961 Special Session, p. 2282, so as to provide what shall constitute prima facie evidence of spear fishing.

S. 307. To make unlawful the selling of certain game fish caught or taken from any of the fresh waters of this or any other state, providing certain exceptions and prescribing the penalty for violations.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 885. (With Substitute) (With Amendment): To permit the hunting of certain non-native game-birds in this state under specified conditions without a state hunting license.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 1167. (With Substitute): To prohibit net fishing in any waters of this state in which salt water striped bass have been stocked, and to prescribe the penalty for violation of the provisions of this Act.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

S. 304. (With Amendment): To amend Title 8, Section 93 (3), Code of Alabama 1940, as amended, so as to remove the prohibition against using salt licks for the purpose of capturing or killing birds or animals in the State of Alabama; to legalize the use of scaffolds for the killing of deer.

H. 1406. (With Amendment): To amend further Section 38 of Title 8 Code of Alabama of 1940, relating to the manner and method of obtaining state and county fishing licenses so as to increase the fees for such licenses and to designate the use of any revenue derived therefrom.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1228. To provide for an increase in the fee to be charged when a transfer and/or a duplicate boat registration certificate is issued.

H. 1386. To provide for the conservation, management, enhancement and protection of non-game wildlife and endangered or threatened species; and to provide enforcement authority and penalties for violation of this Act.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 744. To propose an amendment to Section 14 of the Constitution of Alabama of 1901, which section provides that the state shall never be made a defendant in any court of law or equity, to empower the legislature to enact laws waiving the state's immunity from suit in whole or in part.

The above bill was read a second time at length as required by the Constitution.

H. 745. To provide for the waiver of immunity from suit by the State of Alabama as to claims founded upon the Constitution of Alabama, Acts of the Legislature of Alabama, regulations of any executive department of the state, and express and implied contracts with the state or any agency, commission, board, institution, or department of the state, and for liquidated and unliquidated damages in cases not sounding in tort; to provide for the exclusive and original jurisdiction over such claims to be vested in the circuit courts and to establish the manner in which and the terms and conditions under which such jurisdiction may be exercised.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1331. To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 604. (With Substitute) (With Amendment): To provide for the payment of the medical and hospital expenses of certain public employees resulting from injuries received in the line and scope of their duties and for the payment of their usual salaries or other compensation during the time they are disabled because of such injuries, and to authorize and direct the employing governmental agencies to pay or provide for the payment of such expenses and salaries.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the

following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1211. (With Amendment): To authorize and direct the Cullman County Commission to levy and provide for the collection of an additional tax on gasoline, with the proceeds to be used for paving or resurfacing county roads in Cullman County; and to direct the state highway department to use such funds solely for the purpose of paving or resurfacing county roads in Cullman County.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1229. Relating to all counties in the State of Alabama having a population of not less than 52,000 nor more than 52,500 according to the most recent federal decennial census; relieving the clerk and register of the circuit court of all such counties of the duty of subscribing for, taking, filing, causing to be bound, and kept in their respective offices, copies of daily and weekly newspapers published in the county.

H. 1327. Relating to Morgan County; to provide for an annual salary for the coroner and a retroactive expense allowance; and to provide for the salary and expense of the coroner to begin with the next term of office.

H. 1329. Providing for a county board of equalization and adjustment for Morgan County; providing for abolishing the existing County Board of Equalization and transferring its duties to the County Board of Equalization and Adjustment; further regulating the appointment and removal of the members of the board, the terms of service, the compensation, the expense allowance of the members of the board; making further provision in regard to office space, office furniture and supplies of the board, and providing for the employment of clerks and other employees of the board; providing for the operation of the board; and adopting certain provisions of the statutes applicable to county boards of equalization; and providing for the severability of the provisions of the act and for its effective date.

H. 1330. Relating to Morgan County; to provide that the Sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to October 1, 1974.

H. 1363. Relating to Counties having populations of not less than 27,000 nor more than 27,500 providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations in such counties.

H. 1376. Relating to all counties having populations of not less than 22,000 nor more than 22,500, according to the most recent federal decennial census; providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations; validating, ratifying and confirming all prior deposits of such fines and forfeitures; repealing all conflicting laws and parts of laws, general, local, and special.

H. 1377. Relating to all counties having populations of not less than 22,000 nor more than 22,500 according to the most recent federal decen-

nial census; providing an additional allowance of \$.25 per capita daily to the sheriff for feeding prisoners; and repealing conflicting laws.

H. 1384. Relating to Clarke County, Alabama; providing for the time of the meetings of the Clarke County Commission.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 970. To authorize the City of Vestavia Hills, Alabama to pay Roland L. Paulin for certain expenses as a result of an injury to his son, Mark Paulin.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 978. (With Substitute): Relating to cities with populations of more than three hundred thousand; allowing said cities to offer tax abatements for up to twelve years to developers who build new commercial or industrial facilities on property within the city limit areas of said cities; providing that developers receiving such abatements shall, however, pay property taxes assessed on not less than the same value at which said city property was taxed before they built upon it.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 986. To amend Section 138, Title 62, Code of Alabama of 1940 (originally enacted as Local Act No. 462 of the 1939 Regular Session of the Legislature of Alabama, approved September 15, 1939, and subsequently reprinted as Section 138, Title 62, of the 1958 Recompiled Code of Alabama), as heretofore amended by Act No. 193 of the 1965 Regular Session of the Legislature of Alabama, approved July 30, 1965, to increase the Law Library Tax in each civil or quasi civil action at law, suit in equity, criminal case, quasi criminal case, proceeding on a forfeited bail bond, or proceeding on a forfeited bail bond given in connection with an appeal from a judgment of conviction in any inferior court or municipal court to the Circuit Court hereafter filed in, arising in, or brought by appeal, certiorari, or otherwise to the Circuit Court of Jefferson County, Alabama, except in the Bessemer Division thereof, from one dollar (\$1.00) to two dollars (\$2.00); to provide that the Law Library Tax in each criminal case hereafter filed in any statutory inferior court in Jefferson County, Alabama, except in the Bessemer Division thereof, shall be fifty cents (\$.50); and to increase the Law Library Tax in each civil case hereafter filed in any statutory inferior court in Jefferson County, Alabama, except in the Bessemer Division thereof, where the amount claimed in the complaint exceeds one hundred dollars (\$100.00) from twenty five cents (\$.25) to fifty cents (\$.50), and where the amount claimed is one hundred dollars (\$100.00) and less, from ten cents (\$.10) to twenty cents (\$.20), said increases to be effective on the first day of the second calendar month next following its passage by the Legislature of Alabama and its approval by the Governor of Alabama, or its otherwise becoming a law.

H. 1009. To apply to every County of this State having a population of 600,000 or more according to the last or any subsequent Federal Census; to provide that the officers and employees of any public corporation created by such County to operate a hospital shall be members of any pension system established for the officers and employees of the County, subject to the exceptions, terms and conditions stated in the Act.

H. 1010. To provide that in each county of this State having a population of 500,000 or more, according to the last or any subsequent federal census, it shall be the duty of the governing body of the county to adopt whatever regulations the governing body deems appropriate requiring motor vehicles owned or controlled by the county, excluding those in the Sheriff's Department owned or controlled by the county, to be so painted and otherwise marked as to be easily identifiable as county vehicles; to authorize the governing body to prescribe different colors and signs for county motor vehicles used in the Sheriff's Department and county vehicles used in other county departments; to require that the regulations the county governing body adopts hereunder shall be contained in a resolution adopted by the governing body; and to provide that a violation of any of the provisions of any regulation adopted under this Act shall constitute a misdemeanor, and shall be punishable as provided for in Section 327, Title 15, Code of Alabama of 1940.

H. 1044. To further amend Act No. 502 of the Legislature of Alabama of 1923, approved September 29, 1923 (General Acts of Alabama of 1923, page 663, et seq.), which established a policeman's pension system for cities having a population of 100,000 or more, as re-enacted by Act No. 283 of the Legislature of Alabama of 1943, approved June 28, 1943, (General Acts of Alabama of 1943, page 241, et seq.), as heretofore amended.

H. 1110. Relating to Jefferson County; to prescribe the compensation of the Assistant Sheriff for the Bessemer Division of said county and to repeal all conflicting statutes.

H. 1136. To amend Chapter 9 of Title 51 of the Code of Alabama of 1940, as heretofore amended.

H. 1175. Relating to Jefferson County; to provide for the election, duties and compensation of certain officials of the Bessemer Division of said county and to repeal all conflicting statutes.

H. 1176. To allow the city of Bessemer to sell to a licensed gun dealer or to maintain for its own use any gun seized under the provisions of Section 173, 174, or 175 of Title 14 of the Code of Alabama 1958 recompiled and amended.

H. 1178. To fix the compensation of the mayor of any municipality in Jefferson County who is employed full-time by a municipality, municipal board or municipal public corporation to serve as superintendent of one or more of certain utility systems owned and operated by such municipality, municipal board or municipal public corporation pursuant to the provisions of Title 37, Section 440, Alabama Code 1940, as amended.

H. 1190. To alter, rearrange and extend the boundaries and corporate limits of the Town of Trafford in Jefferson County, Alabama, so as to annex certain territory to the town.

H. 1191. To alter, rearrange and extend the boundaries and corporate limits of the Town of Trafford in Jefferson County, Alabama, so as to annex certain territory to the town.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 853. (With Substitute): To create and establish the position of Chief Deputy Sheriff in counties having a population of six hundred thousand (600,000) or more according to the most recent federal decennial census; to prescribe procedure for immediately filling said position; to prescribe the duties, authority, compensation and term of office of said Chief Deputy Sheriff; to repeal all conflicting statutes and to provide for retroactive effect.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1235. (With Amendment): To amend Section 1 of Act No. 1852, H. 2568, Regular Session 1971 (Acts 1971, p. 3009) relating to counties having populations of not less than 300,000 nor more than 600,000 providing for the relief of Nollie Thompson.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 356. To authorize the Sheriff of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint a chief of the youth aid division, to provide for the appointment of the chief of the youth aid division, to provide for the salary of the chief of the youth aid division, and the method of payment of such salary.

H. 781. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939, (Local Acts, 1939, p. 298) which creates and establishes the Countywide Civil Service System in Mobile County.

H. 995. To propose an amendment to the Constitution of Alabama to authorize the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitoes, rodents and other vectors of public health and welfare significance.

The above bill was read a second time at length as required by the Constitution.

H. 1120. To provide for supplementing the compensation paid to retired Circuit Judges in judicial circuits composed of one county and having not less than seven nor more than twelve circuit judges.

H. 1121. To amend further Act No. 263, S. 222, Special Session 1961 (Acts 1961, p. 2280), relating to the compensation of election officers in counties having populations of not less than 300,000 nor more than 500,000.

H. 1161. To fix the compensation or salary and allowance of the Register of the Circuit Court in all counties having a population of not less than 300,000 nor more than 500,000, according to the last or any

subsequent Federal decennial census, and to provide for the payment thereof.

H. 1162. To further amend Act 544, S. 602, P. 1294, Acts of Alabama of 1967, as amended, to provide for an increase in funds from the General Fund in all counties having a population of not less than 300,000 inhabitants and not more than 500,000 inhabitants according to the last or any succeeding federal census, for a County Health Department, including the acquisition of land, the erection, construction, extension, renewal, and repair of any buildings and improvements thereon and the maintenance and operation of such department; to anticipate such funds by temporary loan certificates, and to repeal all laws or parts of laws in conflict herewith.

H. 1164. To further amend Act 751, S. 599, P. 1606, Acts of Alabama of 1967, as amended, to provide for an increase in funds from the general funds of the several incorporated municipalities in all counties having a population of not less than 300,000 inhabitants and not more than 500,000 inhabitants according to the last or any succeeding federal census for a county health department, including the acquisition of land, the erection, construction, extension, renewal and repair of any buildings and improvements thereon and the maintenance and operation of such department; to anticipate such funds by temporary loan certificates and to repeal all laws or parts of laws in conflict herewith.

H. 1196. To amend further Act No. 668, Section 1, Regular Session 1951 (Acts 1951, v. 2, p. 1156, as amended, in relation to the mileage allowance provided the tax collector of Mobile County.

H. 1279. To authorize the County Commission of Mobile County to make appropriations for the support and operation of a nonprofit organization to provide services to and for the benefit of the citizens of Mobile County.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1313. (With Amendment): To require land owners, businesses, corporations or other individuals requesting rezoning or any land or building or other structure or part thereof within all cities having populations of not less than 175,000 nor more than 225,000 according to the most recent or any subsequent decennial census to make no more than one rezoning request per calendar year and to require posting and notification of such rezoning request.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 191. (With Amendments): To establish a pension fund for Alabama fire fighters to be known as the Alabama Fire Fighters Pension Fund; to prescribe conditions for joining, withdrawing from, and continuing membership in the fund; to regulate the payment of pensions and benefits from the fund; to provide for the management and administration of the fund by a board of trustees; to prescribe the membership of the board, to provide for the election and terms of office of members thereof, and prescribe their powers and duties; to establish the office of secretary-treasurer of such board, provide for his employment, his salary,

and his bond; and for the purpose of financing the fund to levy and provide for the collection of an additional tax on insurers against fire, lightning, and related hazards in fire protected areas, to fix membership dues, and authorize gifts, contributions and donations to the fund.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 519. (With Amendment): To make appropriations from the General Fund in the State Treasury to the Commission on Aging to be used for financing certain local government programs and varied matching federal programs for the fiscal years ending September 30, 1976 and 1977.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1160. To amend the title and further amend Sections 1, 3, 4 and 5 of Act No. 755, 1967 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), as amended, entitled "To provide Supernumerary Tax Collectors, Tax Assessors, License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in the various counties of the State of Alabama; describing their duties; setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and providing for the payment of their salaries," so as to provide further for the requirements, qualifications and compensation for such Supernumerary Tax Collectors, Tax Assessors and License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in this state, in the various counties of the State of Alabama having a population of less than 600,000 inhabitants.

H. 268. To require the granting, under certain circumstances, of either overtime pay or compensatory leave to law enforcement officers in the service of the state, county, municipality, or any agency thereof.

H. 603. To provide adequate professional, administrative, and clerical personnel, together with necessary equipment and funding for the Office of the District Attorney for the Fifteenth Judicial Circuit.

H. 967. To require the payment of an initial licensing fee or initial registration fee to the radiation control agency by all persons seeking certain licenses or registrations, require an annual fee to be collected by the judge of probate or licensing commissioner of the counties of the state, to establish the Radiation Control Fund and appropriations therefrom; to provide for the remittance of monies collected by the probate judge or licensing commissioner to the state treasurer for deposit in the Radiation Control Fund; and penalties for failure to pay the fees.

H. 122. Further amending Code of Alabama 1940, Title 22, Section 40, 42 relating to Vital Statistics, providing for equitable fees for service to county registration districts and state registration district in conformity with surrounding states.

H. 1257. To make an appropriation to the Alabama Semi-Pro Baseball Team, winning the State Championship for 1975, for the purpose of paying the expenses of such team to attend the National Baseball Congress' Semi-Pro 1975 Tournament to be held in Wichita, Kansas.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 828. (With Amendment): Relating to the eradication and control of swine diseases: to make an appropriation to the department of agriculture and industries for the two fiscal years ending September 30, 1976 and September 30, 1977, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of cholera, African swine fever and other swine diseases.

H. 1111. (With Amendment): To provide longevity pay for certain employees in the classified service of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 435. To make an appropriation for capital outlay purposes at the University of Alabama in Birmingham for the fiscal year ending September 30, 1975.

H. 942. To make an appropriation to the State Department of Finance, Division of Service, for construction of shelters for security personnel employed at state parking lots.

H. 617. To make an appropriation for capital outlay purposes at the University of Alabama, University, Alabama for the fiscal year ending September 30, 1975.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 977. (With Amendment): For the relief of Helen Simpson making an appropriation from the general fund in the state treasury to compensate her for wages of which she was deprived by virtue of her being placed on leave without pay for an invalid reason.

H. 500. (With Amendment): To provide salary increases for certain state employees; and to appropriate funds therefor.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 66. To require the granting, under certain circumstances, of either overtime pay or compensatory leave to law enforcement officers in the service of the state.

H. 889. To require the wardens of the Holman Prison, the Fountain Correctional Institution, the Julia T. Tutwiler Prison, the Mt. Meigs Correctional Facility, the Draper Prison, and the Frank Lee Youth Center

to promulgate rules and regulations providing for conjugal visitation by inmates with their respective spouses, and appropriating sufficient funds from the state general fund to construct a facility to be used for this purpose at each prison.

H. 994. To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; providing for the collection and enforcement of such taxes; and providing for the distribution of the proceeds.

H. 118. Relating to Sumter County, authorizing the county commission to retain one-half of the fines received for violations resulting from state trooper arrests in that county, and providing such funds be credited to the county general fund.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 32. (With Substitute): To provide a subsistence allowance for certain law enforcement officers of the Board of Corrections, and to appropriate the necessary funds for the years ending September 30, 1976 and September 30, 1977.

H. 1107. (With Substitute): To make further appropriations of State Funds for the fiscal year ending September 30, 1975.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 448. To provide supernumerary public service commissioners to serve on the staff of the Alabama public service commission or its successor and as counselors and advisors to the legislature of Alabama; to prescribe their qualifications, duties, powers, tenure and fixing their compensation and the method of payment.

H. 665. To make a supplemental appropriation to the Department of Conservation and Natural Resources, Division of Marine Resources.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1389. Relating to Coosa County, providing monthly expense allowances for the tax assessor, tax collector, and circuit clerk of said county; and giving this Act retroactive effect.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 1400. (With Substitute): To authorize all counties having populations of not less than 24,900 nor greater than 25,150 according to the most recent federal decennial census, to construct and maintain, wholly within the county, offices for persons engaged in the diagnosis, treatment and cure of sick and injured persons, buildings to house or

service equipment used for the diagnosis or treatment of sick or injured persons or the records of such diagnosis or treatment or research with respect thereto, and appurtenant facilities (and to acquire sites therefor); to authorize any such county to borrow money and to issue interest-bearing bonds, warrants and notes for the purpose of financing the construction of any such offices, buildings and facilities, and the acquisition of such sites; to provide that such bonds, warrants or notes may be general obligations of the issuing county or may be limited as to their source of payment and to authorize special pledges therefor; to authorize any such county to lease to one or more physicians all or any part of such offices, buildings and facilities; to prescribe certain conditions precedent that must be complied with before a county may construct or finance any such offices, buildings and facilities; to prohibit a county from leasing or renting any such offices, buildings or facilities unless the lease or rental arrangement obligates the lessees or tenants to pay rental aggregating not less than the fair rental value thereof; and to provide that the failure of any such county to comply with the provisions of this act relating to the leasing or renting of such offices, buildings or facilities shall not affect the validity or legality of any securities issued for the purpose of constructing such offices, buildings and facilities.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Kinsey and Sonnier:

H. 1411. Exempting Band Parents and Parent-Teacher organizations in counties having populations of not less than 57,000, nor greater than 61,000, according to the latest federal decennial census, from state, county and municipal sales taxes on the proceeds of their fund-raising projects.

Local Legislation No. 1.

By Messrs. Kinsey and Sonnier:

H. 1412. To exempt all Band Parents and Parent-Teacher organizations from the payment of all sales taxes on money-making projects undertaken by them.

Ways and Means.

By Messrs. Edwards and Plaster:

H. 1413. Relating to counties having a population of not less than 12,700 nor more than 13,100 inhabitants according to the most recent federal decennial census; to allow the governing body to set the mileage allowance for the coroner.

Local Legislation No. 1.

By Messrs. Smith (B) and Riddick:

H. 1414. To provide that the governing body of each municipality within the state shall be the taxing authority for the purpose of levying any increase in the rate at which ad valorem taxes are levied for municipal purposes, including school purposes, where the municipal boundaries compose a separate school district, above the limit now provided as contemplated by Amendment 325 to the Constitution of the State of Alabama, and further providing that any such additional taxes shall be levied only after a public hearing on such proposal the time, place, and purpose of which shall be advertised at least one time in a newspaper of general circulation within the municipality prior to said meeting.

Local Government.

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By Mr. Lutz:

H. 1415. To amend Section 3 of Act No. 2293, Regular Session 1971 (Acts of 1971, p. 3694, et seq.) now appearing as Section 303 (8) of Title 28, Code of Alabama, 1940 (Recompiled 1958) which provides for the Credit Union Board of the Bureau of Credit Unions and for the appointment of members to said Board by the Speaker of the House and the Lieutenant Governor so as to provide for the appointment of members to said Board by the Governor.

Banking.

By Mr. Waggoner:

H. 1416. Exempting the Birmingham Civettes Club, Inc. from all sales and use taxes.

Ways and Means.

By Messrs. Coburn, Goodwin, Greer and Hill:

H. 1417. To make appropriations from the state treasury to the use of the Board of Trustees of the University of North Alabama located in Florence, Alabama for capital outlay purposes.

Ways and Means.

By Mr. McNees:

H. 1418. To regulate further the taking, capturing or killing of wild-life of the state; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the specific gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation thereof.

Conservation.

By Messrs. Lewis, Barron, Plaster, Wyatt and Holmes:

H. 1419. To make a conditional appropriation in the amount of \$100,000.00 from the Alabama Special Educational Trust Fund to Alabama State Board of Education for the use and benefit of Alabama State University for the purpose of demolition and removal of a gutted building on the University campus and for the purpose of purchasing additional land within the University Master Plan Area.

Ways and Means.

By Messrs. Hines and Warren (With Notice and Proof):

H. 1420. To alter and rearrange the boundary lines of the Town of Flomaton, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory in Escambia County, Alabama, contiguous of said Town.

Local Legislation No. 1.

Notice and Proof H. 1420:

LEGAL NOTICE
A BILL
TO BE ENTITLED
AN ACT

Be It Enacted by the Legislature of Alabama:

To alter and rearrange the boundary lines of the Town of Flomaton, Alabama, so as to include within the corporate limits of said Town all

territory now within such corporate limits and also certain other territory in Escambia County, Alabama, contiguous of said Town.

Be It Enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this Act the boundary lines of the Town of Flomaton, Escambia County, Alabama be the same are altered and rearranged so as to include within the corporate limits of said Town, in addition to the territory included within its present corporate limits, the territory described as follows:

Commence at the Northwest Corner of Section 26, Township 1 North, Range 8 East; thence run East to the West line of the L & N Railroad right of way; thence run Southwesterly along West line of said L & N Railroad right of way to existing Town limit line; thence West to the West line of said Section, Township and Range; thence North of the point of beginning.

Commence at the Southwest Corner of Southeast Quarter of Southwest Quarter of Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 28, Township 1 North, Range 8 East; thence run North 3000 feet for a point of beginning; thence continue North 960 feet, more or less to the Northwest Corner of Southeast Quarter of Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$); thence run East to the Northeast Corner of the Southeast Quarter of Northeast Quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$); thence South 960 feet, more or less to existing town limit line; thence West to the point of beginning.

Section 2. That this Act shall go into effect immediately upon its approval by the Governor.

PROOF OF PUBLICATION

STATE OF ALABAMA ESCAMBIA COUNTY

I, James G. Thornton, owner and publisher of The Tri-City Ledger, hereby certify that the attached notice is a true and correct copy of notice published in said Tri-City Ledger once a week for four consecutive weeks, namely in the issues of July 3, 1975, July 10, 1975, July 17, 1975, July 24, 1975.

I further certify that the said Tri-City Ledger is a newspaper printed in the English language in Escambia County, Alabama; that said newspaper has a general circulation in the county in which it is published, and has been mailed under the second class mailing privilege of the United States Post Office Department from the Post Office at Flomaton, Alabama, where it is published, for more than 52 consecutive weeks.

JAMES G. THORNTON, JR.

Subscribed and sworn to before me this 25th day of July, 1975.

WILLODEAN MOORE,
Notary Public, State at Large, Ala.

My Commission Expires 27 October 1976.

By Messrs. Carothers, Crawford and Smith (J):

H. 1421. Relating to all counties having populations of not less than 56,500, nor more than 59,000 inhabitants according to the most recent federal decennial census; increasing the compensation of the members of the jury commission.

Local Legislation No. 1.

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By Messrs. Greer and Coburn (With Notice and Proof):

H. 1422. Relating to Lauderdale County; providing further for the election of the members of the county board of education and county superintendent of education.

Local Legislation No. 1.

Notice and Proof H. 1422:

LEGAL NOTICE

**STATE OF ALABAMA
COUNTY OF LAUDERDALE**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Lauderdale County; providing further for the election of the members of the county board of education and county superintendent of education.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Only those qualified electors residing within a school district under the jurisdiction of the Lauderdale County Board of Education may vote in any election of the members of such board or any election of the superintendent of education in Lauderdale County.

SECTION 2. All laws or parts of laws which conflict with this act are repealed.

SECTION 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

**STATE OF ALABAMA
COUNTY OF LAUDERDALE**

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Harrison, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the The Florence Times*Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 27, 1975, June 3, 1975, June 10, 1975, and June 17, all in the year 1975.

BILL HARRISON.

Sworn to and subscribed before me June 17, 1975.

**WALLACE E. OWEN, JR.,
Notary Public, State at Large.**

By Mr. Malone (With Notice and Proof):

H. 1423. A bill to alter, rearrange and add to the limits of the City of Mobile, Alabama and to alter and rearrange the limits of the City of Prichard, Alabama by removing a certain area from the limits of the

City of Prichard, Alabama and by adding same to the limits of the City of Mobile, Alabama; to describe the area so removed from the City of Prichard, Alabama and so added to the City of Mobile, Alabama; and to provide for a referendum of the voters in the affected area.

Local Legislation No. 3.

Notice and Proof H. 1423:

LEGAL NOTICE

SYNOPSIS

This bill will alter the city limits of Mobile by adding to the Mobile City limits all of that portion of the City of Prichard lying North and West of the Northern and Western right-of-way of I-65; and will require that a referendum be held among the voters of the affected district in order for the act to become operative.

A BILL TO BE ENTITLED AN ACT

A bill to alter, rearrange and add to the limits of the City of Mobile, Alabama and to alter and rearrange the limits of the City of Prichard, Alabama by removing a certain area from the limits of the City of Prichard, Alabama and by adding same to the limits of the City of Mobile, Alabama; to describe the area so removed from the City of Prichard, Alabama and so added to the City of Mobile, Alabama; and to provide for a referendum of the voters in the affected area.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Mobile, Alabama are altered, rearranged and extended to include within the corporate limits of said city the parcel of land hereinafter described and the boundaries of the City of Prichard are altered and rearranged to exclude from within the corporate limits of said city the parcel of land hereinafter described, which said parcel consists of all of that area or territory presently within the corporate limits of the City of Prichard, Alabama, lying North of and West of the West right-of-way line and North right-of-way line of United States Interstate Highway 65. Said parcel, area or tract of land is more particularly described as follows:

Beginning at the intersection of the center line of Owens Street in the City of Prichard, Alabama with the North right of way line of United States Interstate Highway 65, run thence Northeasterly along said North right of way of said United States Interstate Highway 65 to a point which is the point of its intersection with the southern line of the city limits of the City of Chickasaw, Alabama; thence run Westwardly and Northwestwardly and then Northeastwardly along said city limits to the intersection of same with the West right of way of the said Interstate 65; then run Northwestwardly along said West right of way to the North boundary line of the City of Prichard; thence run West along said North boundary line to the intersection of Shelton Beach Road and College Parkway; thence run along the center line of College Parkway and the North boundary line of the City of Prichard to their intersection with Rice Road; then run West along the North boundary of the City of Prichard and along the North section line of Sections 18 and 13, Township 3 South, Range 2 West and along an extension of said line to Chickasaw bogue; thence run Southeastwardly and along the meanderings of said Chickasaw bogue and along the city limit line of the City of Prichard to a point where said Chickasaw bogue intersects with the South line of irregular Section 37; thence run West along the South line of irregular

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Section 37 and along the North line of the City of Prichard to a point; thence run North to the intersection of the Southeast corner of Section 10 and the Northeast corner of Section 15, Township 3 South, Range 2 West, thence run West along the South line of said Section 10 to the West line of Section 15; thence run South and along the West boundary of the City of Prichard and along a line known as Glow Ann Drive and Indian Springs Road to a point, which said point marks the intersection of Sections 27, 28, 33 and 34 of Township 3 South, Range 2 West; thence run East and along the North line of Section 34, 35 and 36 to a point which marks the intersection of said line and the center line of Bear Fork Road, thence run South along the present Prichard City limits line 1320 feet more or less to a point; thence run East along the present Prichard City Limits line 1320 feet to a point on the West line of Section 31; thence run South along the West line of said Section 31, 1320 feet more or less to a point; thence run South, Southeasterly along the present Prichard City Limits line 1320 feet more or less to a point which marks the intersection of said line and the intersection of an extension of Alley No. 7 in the City of Prichard; thence run Northeasterly along said Alley No. 7 and the present Prichard City limits line to a point which is some 100 feet more or less Southwest of the right of way of Owens Street; then run Southeastwardly along the present Prichard City limits line and parallel with the right of way of Owens Street to the North right of way of the heretofore described United States Interstate Highway 65; thence run Northeasterly along said West right of way of said Interstate 65 to a point which is the point of beginning, all of said description describing and being intended to describe all of that portion of the City of Prichard, Alabama lying North and West of the North right of way line and the West right of way line of United States Interstate Highway 65 in Mobile County, Alabama.

Section 2. The Judge of Probate of Mobile County shall call and provide for holding a referendum for the purpose of determining if this Act shall become operative. The referendum shall be held on the same day as the next general, special or primary election held in the affected area of Mobile County. The Judge of Probate shall give notice of the holding of such election by publication in some newspaper of general circulation published within Mobile County, and such notice shall be published once a week for four consecutive weeks. Said notice shall state the day on which such election is to be held and shall describe the area proposed to be removed from the limits of the City of Prichard, Alabama and added to the limits of the City of Mobile, Alabama.

Section 3. Such election shall be held at the regular voting places within the area proposed to be so transferred. Only electors residing within and qualified to vote within such area shall have a right to vote in said election.

Section 4. The election to determine whether or not the area shall be removed from the limits of the City of Prichard, Alabama and added to the limits of the City of Mobile, Alabama shall be conducted in all respects as provided by the general election laws and under the same sanctions and penalties, except as changed by the provisions of this Act. The following words shall be written or printed on the ballot: "For being removed from the limits of the City of Prichard and added to the limits of the City of Mobile", and "Against being removed from the limits of the City of Prichard and added to the limits of the City of Mobile".

Section 5. The Judge of Probate shall appoint the inspectors, clerks, and a returning officer to hold said election, and the inspectors, as soon as the polls are closed must ascertain and certify the results of the election to the Probate Judge and deliver the same to the returning officer, who

must at once return the same to the Judge of Probate and the Judge of Probate must canvass the returns as made by the inspectors and certify the results of the election to the Secretary of State within thirty (30) days after the election returns are so canvassed.

If it appears that a majority of the votes cast at the election were "For being removed from the limits of the City of Prichard and added to the limits of the City of Mobile", this Act shall become operative and the Judge of Probate must forthwith make and enter an order on the record of the Probate Court adjudging and decreeing that the legal corporate limits of the City of Prichard are reduced by excluding therefrom the territory as defined in this Act and that the legal corporate limits of said city are the same as those of the city prior to the election, excluding therefrom the area described in this act, and further adjudging and decreeing that the legal corporate limits of the City of Mobile are increased by adding thereto the territory as defined in this act and that the legal corporate limits of said City of Mobile are the same as those of the city prior to the election, except that there is added thereto the area described in this act.

Section 6. In the event a majority of the votes cast at the election were "For being removed from the limits of the City of Prichard and added to the limits of the City of Mobile" and this act therefore becomes operative, the effective date of the transfer of the subject area from the corporate limits of the City of Prichard to the corporate limits of the City of Mobile shall be the 1st day of the 1st month next following the certification by the Judge of Probate of Mobile County of the results of the subject election to the Secretary of State of Alabama.

Section 7. If a majority of the votes cast at the election were "Against being removed from the limits of the City of Prichard and added to the limits of the City of Mobile", then this act becomes inoperative and the limits of the City of Prichard and the limits of the City of Mobile, as the same would have been affected by this act, remain unchanged.

Section 8. The result of such election may be contested by any qualified elector voting at the election under the same provisions as provided by general law.

Section 9. The City of Prichard and the City of Mobile shall each pay one-half of all costs and expenses incident to such election.

Section 10. The Judge of Probate for services rendered under the provisions of this act shall be entitled to a fee of \$20.00. All other officers shall be entitled to the same compensation for services rendered by them as they are authorized by law, and the City of Prichard and the City of Mobile shall each pay one-half of same, except that in the case of a contest as herein provided, the cost of such contest shall be paid by the party against whom such contest is decided.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law, but shall not become operative unless in the referendum provided for in this act a majority of the votes are cast "For being removed from the limits of the City of Prichard and added to the limits of the City of Mobile."

Joyce Butt being sworn, says that she is Bookkeeper of the Mobile Press and The Mobile Register, daily newspapers printed and published

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in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register 7/4, 11, 18, 25, 1975.

JOYCE BUTT.

Sworn to and subscribed before me this 25 day of July 1975.

GARY L. RICHARDSON,
Notary Public.

By Mr. Smith (M):

H. 1424. To amend Act No. 704, H. 475 of the Regular Session of 1951, commonly known as the Motor Vehicle Safety-Responsibility Act, so as to increase the security required therein.

Insurance.

By Messrs. Owens, Kinsey, Higginbotham, Moore (W), Carter, Andrews, Howard, Shelton, Wyatt, Roberts, Riddick, Sandusky, McCulley, Crawford, Smith (B), Whatley, Kelley, Brindley, Rich, Starkey, McMillan and Johnson:

H. 1425. Relating to the compensation of victims of motor vehicle accidents; providing definitions; requiring security by motor vehicle owners; requiring motor vehicle no-fault reparation benefits and mandatory liability insurance up to certain limits; providing for exemptions and limitation of tort liability; providing penalties for failure to show proof of security; providing personal injury protection benefits; providing for priority of payment of benefits; providing a mandatory offering of excess optional no-fault benefits; providing for subrogation; providing that the insurance department shall adopt rules and regulations necessary to implement this act; providing rights of residents; providing that insurers file proposed manual, rules, rates and rating plans with the insurance department for approval; providing that insurers shall make certain mandatory rate reductions; providing for severability; providing an effective date.

Insurance.

By Messrs. Martin, Carter, Moore (W), Drake, Roberts and Cross:

H. 1426. To name a classroom building housing Technical Drafting, Watch Repair, Cosmetology, and other subjects on the campus of John C. Calhoun State Community College the Noble J. Russell Building.

State Administration.

By Messrs. Martin, Carter, Moore (W), Drake, Roberts and Cross:

H. 1427. To name the new classroom building at John C. Calhoun State Community College the Bob Harris Building.

State Administration.

By Mr. Hill:

H. 1428. To provide that regular sessions of the legislature shall commence on the second Tuesday in January of each year except that in January, next succeeding their election the regular session shall convene on the first Tuesday following the adjournment of the organizational session.

State Administration.

By Mr. Cross:

H. 1429. Amending Sections 3 and 10 of Act No. 1949, H. 894, 1971 Regular Session (Acts of 1971, p. 3151), now appearing in Code of Ala-

bama, Recompiled 1958, as Title 2, Sections 337(9c) and (9h), so as to provide that all pesticide ingredients must be clearly listed on the label, and providing penalties in cases where tests show the percentage of active ingredients is deficient by 5% or more from the percentage stated on the label.

Agriculture.

By Messrs. White, Andrews, Hall, Hopping, Moore (O) and Jolly:

H. 1430. To provide for creating in every county of the state having a population of 600,000 or more, according to the last or any subsequent federal census, service districts wherein one or more services, facilities and functions described in this Act may be financed, provided or maintained in addition to, or to a greater extent than, such services, facilities and functions are provided or maintained for the entire county; to provide that such services, facilities and functions which may be provided or maintained in such service districts, as aforesaid, shall include the following services, facilities and functions: (1) fire control, prevention and protection; (2) water supply and water distribution systems; (3) sewage collection and disposal systems; (4) solid waste collection and disposal systems; (5) storm sewers; (6) incinerators; (7) recreation facilities; (8) street lighting; (9) police protection; and (10) such other services, facilities and functions as the electors of a service district approve at an election; to provide what territory of the county may be included in such service districts; to provide the procedure for creating such service districts; to provide for the levying of service charges to finance providing and maintaining such services; to provide that the governing body of the county, after a public hearing on the creation of a proposed district may adopt a resolution requesting the probate judge of the county to call an election in the proposed service district on the question of whether such proposed district shall be created; to provide that any such resolution requesting that such election be called shall state the proposed service charge which the governing body of the county shall be authorized to levy if the proposed service district is created; to provide that upon any service district being created at an election then the county governing body shall be authorized to levy the service charge provided for in the election resolution; to provide that such service charges shall be the obligation of the persons to whom such services are furnished or are made available; to provide that the governing body of the county may reduce such service charges; to provide that no service charge shall be increased and that no additional service charge shall be levied unless such increase or such additional service charge has been first approved at an election held in the district; to provide that a service charge may be increased and that an additional service charge may be levied if such increase or such additional service charge has been approved at an election in the district; to provide for the expansion of districts; to authorize the county and any municipality, fire district, garbage district, fire and garbage district, or any other public corporation in the county, to enter into agreements providing for cooperation between the county and such other public corporations in furnishing services provided for by this Act; to provide that this Act shall be cumulative and not restrictive of the powers the laws otherwise confer upon the governing body of any such county.

Local Legislation No. 2.

By Mr. Smith (J):

H. 1431. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the executive department of state government; repealing and superseding

Article V of the Constitution of Alabama, as amended, and Amendments No. 38 and 282 and all other conflicting provisions of said constitution.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Johnstone:

H. 1432. Relating to state revenue, exempting certain persons, firms or corporations engaged in the business of operating taxi cabs from the payment of certain excise or privilege license taxes levied upon the sale, storage or consumption of gasoline or other motor fuels used in the operation of such taxi cabs; prescribing certain rules and procedures relative to such exemptions; prescribing penalties for wrongful use of exemption certificates and repealing all conflicting statutes.

Ways and Means.

By Messrs. Sonnier and Owens:

H. 1433. To regulate and promote the public health and to bring the laws of Alabama into conformity with PL-93-641, the "National Health Planning and Resources Development Act of 1974" (42 USC 300-k, et. seq.); designate the State Board of Health as the state health planning and development agency; authorizes the State Board of Health to develop and adopt a State Health Plan and a State Medical Facilities Plan, and do such functions that may be necessary to that purpose and to facilitate state health planning policy, augment areawide and State planning for health services, manpower, and facilities; authorize the State Board of Health to administer the State's health care facility construction and development program; to promulgate and adopt rules, regulations and standards for the health planning and health care facilities construction and development programs. Part 1 of the Act designates the State Board of Health as the sole and official state planning and development agency; authorizes the State Board of Health to establish such internal bureaus and divisions, with professional staffs, as may be necessary to carry out the Act; and, authorizes and empowers the State Board of Health to adopt rules, regulations and standards governing health planning and health care facility construction, and to provide for fair hearings. Part 2 designates the State Board of Health as the sole and official state agency to prepare and adopt a State Health Plan; establishes and sets forth the membership and powers of a Statewide Health Coordinating Council; defines the functions of Health Services Agencies; authorizes the cooperation of the state officials and agencies; and authorizes the State Board of Health to receive and administer funds for health planning. Part 3 names the State Board of Health as the sole and official state agency to receive and administer funds for the health care facilities construction program; authorizes the State Board of Health to prepare and adopt a Medical Facilities Plan; authorizes the construction and operation of public hospitals and health centers; authorizes the State Board of Health to receive federal, state and other funds for hospital construction and to contract for health care facilities construction; authorizes the acquisition and disposition of property.

State Administration.

By Mr. Leonard:

H. 1434. To further amend Section 9, Title 14, Code of Alabama 1940, as heretofore amended, so as to further regulate the conditions and circumstances under which abortions may be performed; to provide for

the filing and keeping of records required by this act; to provide for the rendition of medical assistance whenever an abortion procedure authorized by this act results in a live birth; to provide that persons and hospitals may elect not to participate in the performance of abortions; to revise the penalty for the performance of a criminal abortion.

Health.

By Mr. Robertson:

H. 1435. To provide for the amount of compensation paid by the State of Alabama to Deputy District Attorneys No. 1, No. 2, No. 3, and No. 4, of the Sixth Judicial Circuit.

Ways and Means.

By Mr. Rich (With Notice and Proof):

H. 1436. Relating to Cherokee County; to provide further for the salary of the Clerk of the Circuit Court of Cherokee County.

Local Legislation No. 1.

Notice and Proof H. 1436:

NOTICE OF LOCAL BILL

Notice is hereby given that the following local bill, or substance thereof, will be introduced at the present or next session of the Legislature of Alabama, and application for passage of said local bill be made in such session of the Legislature.

A BILL TO BE ENTITLED AN ACT

Relating to Cherokee County; to provide further for the salary of the Clerk of the Circuit Court of Cherokee County.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing with the next term of office of the Clerk of the Circuit Court of Cherokee County his salary shall be \$8,400 per annum payable out of the county general fund as are the salaries of other county officials.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA COUNTY OF CHEROKEE

Before me, Al Shumaker a Notary Public in and for said county in said state personally appeared Joseph M. Shaw, Jr., who, being by me first duly sworn, deposes and says that he is publisher of the Cherokee County Herald, a newspaper published in the City of Centre, Alabama, in Cherokee County, Alabama; that the attached is a true, correct and complete copy of notice of local bill to be entitled an act as published in said newspaper once a week for four consecutive weeks, beginning on the 25th day of June, 1975, that said newspaper has been so published in said town for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication and has a

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general circulation in said city and county; and that said newspaper has been entered as second class mail matter in the United States Post Office in said city for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication.

JOE SHAW, JR.

Sworn to and subscribed before me this 29th day of July, 1975.

AL SHUMAKER,
Notary Public.

By Mr. Rich (With Notice and Proof):

H. 1437. To provide an additional expense allowance for the Judge of the County Court of Cherokee County.

Local Legislation No. 1.

Notice and Proof H. 1437:

NOTICE OF LOCAL BILL

Notice is hereby given that the following local bill, or substance thereof, will be introduced at the present or next session of the Legislature of Alabama, and application for passage of said local bill be made in such session of the Legislature.

A BILL
TO BE ENTITLED
AN ACT

To provide an additional expense allowance for the Judge of the County Court of Cherokee County.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of the County Court of Cherokee County is hereafter provided an additional expense allowance of three hundred dollars per month, to be paid out of the county treasury, to be expended in carrying out the duties of his position. Said expense allowance shall be in addition to any and all other salary, compensation or expense allowance provided by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF CHEROKEE

Before me, Al Shumaker a Notary Public in and for said county in said state personally appeared Joseph M. Shaw, Jr., who, being by me first duly sworn, deposes and says that he is publisher of the Cherokee County Herald, a newspaper published in the City of Centre, Alabama, in Cherokee County, Alabama; that the attached is a true, correct and complete copy of notice of local bill to be entitled an act as published in said newspaper once a week for four consecutive weeks, beginning on the 25th day of June, 1975, that said newspaper has been so published in said town for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication and has a general circulation in said city and county; and that said newspaper has been entered as second class mail matter in the United States Post Office in said city for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication.

JOE SHAW, JR.

Sworn to and subscribed before me this 29th day of July, 1975.

AL SHUMAKER,
Notary Public.

By Mr. Rich (With Notice and Proof):

H. 1438. To provide an additional expense allowance for the Clerk of the Circuit Court of Cherokee County.

Local Legislation No. 1.

Notice and Proof H. 1438:

NOTICE OF LOCAL BILL

Notice is hereby given that the following local bill, or substance thereof, will be introduced at the present or next session of the Legislature of Alabama, and application for passage of said local bill be made in such session of the Legislature.

A BILL TO BE ENTITLED AN ACT

To provide an additional expense allowance for the Clerk of the Circuit Court of Cherokee County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Clerk of the Circuit Court of Cherokee County is hereafter provided an additional expense allowance of one hundred dollars per month, to be paid out of the county treasury, to be expended in carrying out the duties of his position. Said expense allowance shall be in addition to any and all other salary, compensation or expense allowance provided by law.

Section 2. The expense allowance authorized under this Act and the expense allowance authorized under any prior Act shall terminate at the beginning of the next term of office of the Clerk of the Circuit Court of Cherokee County.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA COUNTY OF CHEROKEE

Before me, Al Shumaker a Notary Public in and for said county in said state personally appeared Joseph M. Shaw, Jr., who, being by me first duly sworn, deposes and says that he is publisher of the Cherokee County Herald, a newspaper published in the City of Centre, Alabama, in Cherokee County, Alabama; that the attached is a true, correct and complete copy of notice of local bill to be entitled an act as published in said newspaper once a week for four consecutive weeks, beginning on the 25th day of June, 1975, that said newspaper has been so published in said town for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication and has a general circulation in said city and county; and that said newspaper has been entered as second class mail matter in the United States Post Office in said city for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication.

JOE SHAW, JR.

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Sworn to and subscribed before me this 29th day of July, 1975.

AL SHUMAKER,
Notary Public.

By Mr. Rich (With Notice and Proof):

H. 1439. Relating to Cherokee County; to provide further for the salary of the Judge of Probate of Cherokee County.

Local Legislation No. 1.

Notice and Proof H. 1439:

NOTICE OF LOCAL BILL

Notice is hereby given that the following local bill, or substance thereof, will be introduced at the present or next session of the Legislature of Alabama, and application for passage of said local bill be made in such session of the Legislature.

A BILL
TO BE ENTITLED
AN ACT

Relating to Cherokee County; to provide further for the salary of the Judge of Probate of Cherokee County.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing with the next term of office of the Judge of Probate of Cherokee County his salary shall be \$10,000 per annum payable out of the county general fund as are the salaries of other county officials.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF CHEROKEE

Before me, Al Shumaker a Notary Public in and for said county in said state personally appeared Joseph M. Shaw, Jr., who, being by me first duly sworn, deposes and says that he is publisher of the Cherokee County Herald, a newspaper published in the City of Centre, Alabama, in Cherokee County, Alabama; that the attached is a true, correct and complete copy of notice of local bill to be entitled an act as published in said newspaper once a week for four consecutive weeks, beginning on the 25th day of June, 1975, that said newspaper has been so published in said town for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication and has a general circulation in said city and county; and that said newspaper has been entered as second class mail matter in the United States Post Office in said city for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication.

JOE SHAW, JR.

Sworn to and subscribed before me this 29th day of July, 1975.

AL SHUMAKER,
Notary Public.

By Mr. Rich (With Notice and Proof):

H. 1440. Relating to Cherokee County: To provide further for the distribution of fines in certain cases.

Local Legislation No. 1.

Notice and Proof H. 1440:

NOTICE OF LOCAL BILL

Notice is hereby given that the following local bill, or substance thereof, will be introduced at the present or next session of the Legislature of Alabama, and application for passage of said local bill be made in such session of the Legislature.

A BILL TO BE ENTITLED AN ACT

Relating to Cherokee County: To provide further for the distribution of fines in certain cases.

Be It Enacted by the Legislature of Alabama:

Section 1. One half of all fines hereafter paid by persons convicted in the Cherokee County Court of violations of the rules of the road, or laws of this state relating to or regulating traffic or the operation of motor vehicles upon the highways of this state, in cases filed by any Alabama State Trooper, shall be paid into the fine and forfeiture fund of Cherokee County, Alabama, and the remainder shall be paid by the proper authority to the State Treasurer, who shall credit the same to the proper fund in the State Treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA COUNTY OF CHEROKEE

Before me, Al Shumaker a Notary Public in and for said county in said state personally appeared Joseph M. Shaw, Jr., who, being by me first duly sworn, deposes and says that he is publisher of the Cherokee County Herald, a newspaper published in the City of Centre, Alabama, in Cherokee County, Alabama; that the attached is a true, correct and complete copy of notice of local bill to be entitled an act as published in said newspaper once a week for four consecutive weeks, beginning on the 25th day of June, 1975, that said newspaper has been so published in said town for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication and has a general circulation in said city and county; and that said newspaper has been entered as second class mail matter in the United States Post Office in said city for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication.

JOE SHAW, JR.

Sworn to and subscribed before me this 29th day of July, 1975.

AL SHUMAKER,
Notary Public.

By Mr. Wyatt (With Notice and Proof):

H. 1441. Relating to Montgomery County; to regulate the sale of alcoholic beverages; to authorize the Alabama Alcoholic Beverage Control Board to permit in such county the handling and sale of wine, known as "table wine," containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine, wine wholesaler, wine retailer and manufacturer; to provide for the licensing of wine manufacturers, wine retailers and wine wholesalers by Alabama Alcoholic Beverage Control Board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize and limit the levy of county and municipal license fees thereon; to impose exclusive state taxes on or measured by the sale of table wine and provide for the collection and administration thereof; to authorize and limit the levy of municipal excise taxes on the retail sale of table wine; to proscribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses; and to provide for the affixing of a distributor's stamp to all table wine sold to retail licensees.

Local Legislation No. 4.

Notice and Proof H. 1441:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF MONTGOMERY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

SYNOPSIS:

This local bill relating to Montgomery County authorizes and regulates the handling and sale of table wine, containing not more than fourteen percent (14%) alcohol by volume, by licensees of the Alabama Alcoholic Beverage Control Board; provides for the licensing of wine manufacturers, wine retailers and wine wholesalers; and imposes, levies, authorizes and limits state, county and municipal license fees and taxes on the sale of table wine.

A BILL TO BE ENTITLED AN ACT

Relating to Montgomery County; to regulate the sale of alcoholic beverages; to authorize the Alabama Alcoholic Beverage Control Board to permit in such county the handling and sale of wine, known as "table wine," containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine, wine wholesaler, wine retailer and manufacturer; to provide for the licensing of wine manufacturers, wine retailers and wine wholesalers by Alabama Alcoholic Beverage Control Board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize and limit the levy of county and municipal license fees thereon; to impose exclusive state taxes on or measured by the sale of table wine and provide for the collection and administration thereof; to authorize and limit the levy of municipal excise taxes on the retail sale of table wine; to prescribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses; and to provide for the affixing of a distributor's stamp to all table wine sold to retail licensees.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to Montgomery County.

Section 2. Definitions—The following words or phrases, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

(a) "Board" shall mean the Alabama Alcoholic Beverage Control Board.

(b) "Wine," "vinous beverages," or "vinous liquors" means all beverages made from the fermentation of fresh fruits, berries or grapes, with or without added brandy, and produced in accordance with the laws and regulations of the United States, containing not more than twenty-four percent alcohol by volume, and includes all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouths and like products, including restored or unrestored pure condensed juice.

(c) "Table wine" means any wine containing not more than fourteen percent alcohol by volume.

(d) "Fortified wine" means any wine containing more than fourteen percent alcohol but not more than twenty-four percent alcohol by volume.

(e) "Manufacturer" shall mean any person, association or corporation engaged in the producing, bottling, manufacturing, distilling, rectifying or compounding of liquor, alcohol, malt or brewed beverages, or wine or vinous beverages.

(f) "Wine wholesaler" means and includes any person licensed by the board to engage in the sale and distribution of table wine within the State of Alabama at wholesale only to be sold for export or to retail and other wholesale licensees or others within this state lawfully authorized to sell wine.

(g) "Wine retailer" means and includes persons licensed by the board to engage in the retail sale of table wine to be consumed off the premises, and who do not possess a state liquor license.

(h) "Municipality" shall mean any incorporated city or town in Montgomery County, and its police jurisdiction.

(i) "Person" shall mean every natural person, association, or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment, or both, the term 'person' as applied to 'association' shall mean the partners or members thereof and as applied to 'corporation' shall mean the officers thereof, except as to incorporated clubs the term 'person' shall mean such individual or individuals who, under the by-laws, governing articles, rules or determinations of such clubs, shall have jurisdiction over the possession and sale of liquor therein.

Section 3. Table wines may be sold in Montgomery County, as follows:

(a) A licensed wine manufacturer may sell table wine to any wine wholesaler licensed to sell wine in Montgomery County;

(b) A licensed wine wholesaler may sell, at wholesale only, table wine that has been purchased from a licensed manufacturer to a licensed retailer or to any person lawfully authorized to sell wine in Montgomery County, or for export;

(c) A licensed wine retailer may sell table wine at retail for off-premise consumption only.

Section 4. Licenses—The Board shall have full and final authority, without the approval of the county or municipal governing body, to issue and renew licenses of wine retailers, wholesalers and manufacturers to sell and handle table wine in Montgomery County. Licenses issued under this Act to wine retailers, wholesalers or manufacturers shall, unless revoked in the manner provided in this Act, be valid for the license year which shall begin on the 1st day of October of each year.

Section 5. Application—Every applicant for a wine retailer's or wholesaler's license shall file a written application with the Board in such form as the Board may prescribe, which shall be accompanied by a filing fee of \$10 and by the appropriate license fee as prescribed in this Act, together with the amount or amounts of the prescribed license fee or fees, if any, levied by Montgomery County, and, in the case of a wholesaler, accompanied by the bond required by Section 8 of this Act.

Section 6. Issuance—Upon receipt of the application, the proper fees, the bond, if required, and upon being satisfied of the truth of the statements in the application and that the applicant is a person of good repute, the Board shall grant and issue to the applicant a wine retailer's or wine wholesaler's license entitling the applicant to sell or distribute table wine in Montgomery County as set forth in Section 3 of this Act.

Section 7. Wine Retailer's License—Upon applicant's compliance with Section 6 hereof, the Board shall issue a wine retailer's license for any retail outlet kept or operated by a wine retailer in Montgomery County for the retail sale of table wines for off-premises consumption. The annual license fee levied for a wine retailer's license shall be One Hundred Dollars. In addition thereto, Montgomery County or any municipality therein may fix a reasonable privilege or license tax on any wine retailer located therein, conditioned on a permit or license being issued by the state; provided, however, Montgomery County or any municipality therein shall levy no license or privilege tax, or other charge for the privilege of doing business as a wine retailer, which shall exceed the amount of the state license fee levied under the provisions of this Section for like privilege. Provided further, Montgomery County shall not have the authority to impose within any incorporated municipality within such County or within the police jurisdiction of any such municipality, such privilege or license tax which shall exceed one-half the amount of the state license fee levied under the provisions of this Section for like privilege.

Section 8. Wine Wholesaler's License—Upon applicant's compliance with Section 6 of this Act, the Board shall issue to applicant a wine wholesaler's license which will authorize the licensee to import and receive shipments of table wine from outside the state from licensed wine manufacturers, to purchase table wine from licensed wine manufacturers or other licensed wholesalers within the state, and to sell table wine to all licensees or others within this state lawfully authorized to sell wine, and to export table wine from the state. The annual license fee levied for a wine wholesaler's license shall be Five Hundred Dollars. In addition, Montgomery County or any municipality therein may fix a reasonable privilege or license tax on a wine wholesaler located therein, conditioned on a permit or license being issued by the Board. Provided, however, Montgomery County shall levy no license or privilege tax, or other charge for the privilege of doing business as a wine wholesaler, which shall exceed one-half the amount of the state license fee levied under the provisions of this Section for like privilege.

The applicant for a wine wholesaler's license shall also file with his original application a bond in the penal sum of not less than \$1000.00 nor

more than \$10,000.00 conditioned upon the payment of the taxes to be collected by the wine wholesaler and remitted to the Board.

Section 9. Wine Manufacturer's License.—Every manufacturer, distiller, winery, supplier, producer or bottler desiring to do business in this state by selling table wines to wholesale table wine distributors in Montgomery County shall register with the Board prior to making any sales in Alabama. Each such manufacturer, distiller, winery, supplier, producer or bottler shall pay to the Board an annual filing fee of \$250.00.

Each such manufacturer, distiller, winery, supplier, producer or bottler shall be required to file with the Board, prior to making any sales in Alabama a list of its labels to be sold in Montgomery County and shall file with the Board their Federal Certificate of label approvals or its certificates of exemption as required by the U. S. Treasury Department. All table wines whose labels have not been registered as herein provided for shall be considered contraband and may be seized by the Board or its agents, or any peace officer of the State of Alabama without a warrant and said goods shall be delivered to the Board and disposed of as provided by law.

All such manufacturers, distillers, wineries, suppliers, producers or bottlers shall be required to mail to the Board prior to the tenth day of the month a consolidated report of all shipments of table wine made to each wine wholesaler during the preceding month. Such reports shall be certified as true and correct and shall be a complete listing of all items shipped, an invoice setting out the quantities purchased and the price quotation showing at what price such wines were sold, the size, type, brand label and point of destination and such other information as the Board may prescribe.

Section 10. License Renewal.—The wine retailer's, wine wholesaler's and wine manufacturer's license herein provided for shall be required to be renewed annually and shall be reissued upon payment to the Board of the appropriate filing and license fee or fees unless the Board has good cause for not reissuing the license.

Section 11. Payment, Collection and Administration.—All license and filing fees levied or authorized by this Act, other than those levied by a municipality, shall be paid to the board. All filing fees paid to the Board shall be paid into the state treasury to the credit of the beer and wine tax and license fund of the Board. All license fees paid to the Board other than those levied by Montgomery County shall be retained by the Board as part of its net profits from operations and shall be distributed by the Board. All license fees levied by Montgomery County and paid to the Board shall be paid: 95% thereof to the county governing body which shall distribute the proceeds thereof, and 5% thereof retained by the Board as cost of collection and administration of licenses shall be paid into the state treasury to the credit of the beer and wine tax and license fund of the Board.

Section 12. Regulation of the Grant of Licenses.—No license prescribed in this Act shall be issued or renewed until the provisions of this Act have been complied with and the filing and license fees other than those levied by a municipality are paid to the Board.

Every license issued under this Act shall be constantly and conspicuously displayed on the licensed premises.

Any wine retailer may be granted licenses to maintain, operate or conduct any number of places for the sale of malt or brewed beverages,

but a separate license must be secured for each place where table wine is sold. Provided, there shall be no licenses issued by the Board for the sale of wine or vinous beverages by rolling stores.

A beer wholesaler licensee may also be granted a wine wholesaler's license. No wine wholesaler shall maintain or operate any place where sales are made other than that for which the license is granted. No wine wholesaler shall maintain any place for the storage of table wine unless the same has been approved by the Board. No wine wholesaler's license shall be issued for any premises in any part of which there is operated any retail license for the sale of liquor, wine, vinous or malt or brewed beverages.

Licenses shall be granted by the Board only to reputable individuals, or to associations, partnerships and corporations whose members or officers and directors are reputable individuals.

Licenses issued under this Act may not be assigned. The Board is hereby authorized to transfer any license from one person to another, or from one place to another within the same municipality or both, as the Board may determine; but no transfers shall be made to a person who would not have been eligible to receive the license originally, nor for the transaction of business at a place for which the license could not originally have been issued lawfully.

Every applicant for a transfer of a license shall file a written application with the Board within such time as the Board shall fix in its regulations. Whenever any license is transferred, there shall be collected a fee of ten dollars, to be paid to the Board for the use of the state.

In the event that any person to whom a license shall have been issued under the terms of this Act shall become insolvent, make an assignment for the benefit of creditors, be adjudicated a bankruptcy by either voluntary or involuntary action, the license of such person shall immediately terminate and be cancelled without any action on the part of the Board and there shall be no refund made, or credit given, for the unused portion of the license was granted. Thereafter no license shall be issued by the Board for the premises, wherein said license was conducted, to any assignee, committee, trustee, receiver or successor of such licensee until a hearing has been held by the Board as in the case of a new application for license. In all such cases, the Board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises, and the time it shall issue, and the period for which it shall be issued, and shall have the further power to impose conditions under which said licensed premises shall be conducted.

Section 13. Suspension or Revocation of Licenses.—The Board shall have full and final authority as to the suspension and revocation of any license issued hereunder. In addition thereto, the Board shall have the authority, in the case of a wine retailer, to invoke a penalty of not less than \$250.00 nor more than \$500.00 for one or more of the following violations of this Act:

- (a) selling wine other than during the legal hours of sale; or
- (b) selling wine to a minor.

The Board upon sufficient cause being shown or proof being made that any licensee holding a license issued by the Board, or any partners, members, officers or directors of the licensee has or have violated any of the provisions of this Act relating to the sale and handling of table wine and any of the laws of this state relating to the manufacture, sale, possession or transportation of malt or brewed beverages, alcohol or other alco-

holic beverages, other than table wine, may upon due notice and proper hearing being given to the person so licensed, suspend or revoke the license issued by the Board under the provisions of this Act. In all cases where the Board shall suspend or revoke a license, it shall set forth its findings of fact, the evidence from which such findings of fact are made, and the reasons upon which its action is based. Any licensee whose license is revoked by the Board shall be ineligible to have a license under this Act until the expiration of three years from the date such license was revoked.

Section 14. Tax on Table Wine.—There is hereby levied in lieu of the taxes imposed by Sections 70(1), 70(2), 70(3) and 70(4) of Title 29, Code of Alabama 1940, as amended, and all other taxes imposed on or measured by the sale of table wines, a tax on table wines sold in Montgomery County at the rate of 35% on the wholesale invoice sales prices of the wine wholesaler, which shall be measured by and graduated in accordance with the volume of sales of the wine wholesaler and which shall be computed and collected as follows: The wine wholesaler shall add to his invoice price to the wine retailer or to others lawfully authorized to sell table wine in this state the 35% tax as provided by this Act and shall collect said tax from the wine retailer or other lawful purchasers who in turn shall pass the tax on to the purchaser, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer. It shall be unlawful for any wine wholesaler who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from the wine retailer or other lawful purchaser the required amount of tax.

The tax on table wine shall be collected by a monthly return which shall be filed by the wine wholesaler, on a form prescribed by the Board showing sales for the preceding month and the tax due thereon. The taxes due shall be remitted to the Board along with the return. Such taxes paid to the Board shall be considered as part of its net profits from operation and shall be distributed by the Board. The wine wholesaler who pays the tax in the first instance is acting as an agent of the state for the collection and payment of the tax and as such may not collect a tax for any other level of government.

The Board shall have the authority to examine the books and records of any wine wholesaler or retailer to determine the accuracy of any return required to be filed with the Board.

Provided, however, the foregoing tax levied by this section shall not be imposed upon the sale, trade or barter of table wines by one licensed wine wholesaler to another wine wholesaler licensed to sell and handle table wine in this state, which transaction is hereby made exempt from said tax; provided further, that the Board may require written reporting of any such transaction in such form as the board may prescribe.

The tax herein levied is exclusive and shall be in lieu of all other or additional taxes, state, county, or municipal, imposed on or measured by the sale of table wines; provided that nothing herein contained shall be construed to exempt the retail sales of table wine from the levy of a tax on general retail sales as set forth in Act No. 100, Acts of Alabama, Second Extraordinary Session 1959, and all acts amendatory thereof, nor from the levy of a tax on general retail sales as set forth in Ordinance 110-72 of the City of Montgomery, Alabama (Chapter 42, Montgomery City Code), and all ordinances amendatory thereof, nor to relieve the retailer from collecting for and remitting to the State of Alabama or the City of Montgomery such taxes levied on general retail sales; nor to exempt any wine licensee from the levy of a state, county, or municipal

license or privilege tax imposed in accordance with Sections 7, 8, and 9 of this Act, nor from the excise tax levy authorized by Section 15 of this Act.

Section 15. In addition to the tax on table wine levied by Section 14 of this Act, there is hereby levied upon all table wine sold by licensees at retail in Montgomery County an excise tax on the behalf and for the benefit of Montgomery County and all municipalities therein, measured by and graduated in accordance with the volume of sales by the licensee at retail at the rate of twenty cents (20¢) per fluid gallon or five and one-fourth cents (5¼¢) per liter according to the standard of measure used in bottling, on the basis of the ratio of the size or measure of the container sold to one fluid gallon or one liter rounded to the nearest higher one cent (1¢) which excise tax shall be added to the sales price of all table wine sold within Montgomery County and shall be collected from the consumer by the retail licensee and paid to the county governing body. It shall be unlawful for the retail licensee who is required to pay this tax in the first instance to fail or refuse to add to the sales price and collect from the purchaser the required amount of tax, it being the intent and purpose of this provision that the tax is in fact a levy on the consumer.

The proceeds of the tax herein levied and collected by Montgomery County shall be paid into the County treasury to be held in separate trust funds and to be distributed monthly as follows:

(a) Twenty-five percent (25%) shall be credited to Montgomery County; and

(b) Seventy-five percent (75%) shall be credited to the municipalities within Montgomery County and apportioned among them and paid to the governing body of each such municipality on the basis of the ratio of the population of each such municipality to the total population of all such municipalities.

Section 16. Regulations of Board; Evidence.—The Board may from time to time make such regulations not inconsistent with this Act and the purpose and intention thereof as it shall deem necessary for carrying out the provisions of this Act, and from time to time alter, repeal or amend such regulations, or any of them.

Prima facie evidence of any such regulation may be given in all courts and proceedings by the production of what purports to be an official printed copy of such regulation, alteration, repeal or amendment.

Section 17. Advertising.—There shall be no electric signs, painted signs, or signs of any kind displayed outside any retail business advertising alcoholic beverages as enumerated and defined in Chapter 1, Title 29, Code of Alabama 1940, as amended; and there shall be no advertising of such alcoholic beverages, except through newspapers, magazines, radio broadcasting stations, and television stations; provided, however, that table wine as herein defined may also be advertised by means of billboards, signs or displays on trucks engaged in the wholesale sale or delivery thereof, on the clothing of persons engaged in the wholesale sale or delivery thereof, or on warehouses used for storage or distribution thereof by wholesalers or distributors.

Section 18. Sales by Manufacturers.—No manufacturer shall sell any table wine direct to any retailer or for consumption on the premises where sold, nor sell or deliver any such table wine in other than original containers, approved as to capacity by the Board, nor shall any manufacturer maintain or operate within this state any place or places, other than the place or places covered by his or its license where table wine is

sold or where orders therefor are taken. Provided, however, that table wine manufactured in Alabama may be sold direct to retailer by the manufacturer.

Section 19. Sales by Wholesalers.—No wine wholesaler shall purchase, receive or resell any table wine except in the original container as prepared for the market by the manufacturer.

Section 20. Sales by Retailers.—No wine retailer shall purchase or receive any table wine except from the Board or from wine wholesalers duly licensed under this Act. All table wines must be received by the wine retailer in original containers as prepared for the market by the manufacturer. The wine retailer may thereafter break the bulk upon the licensed premises and sell or dispense at retail to be consumed off the premises only.

Section 21. Unlawful Acts and Offenses—

A. It shall be unlawful:

(1) For any wine manufacturer or wine wholesaler, or the servants, agents, or employees of the same, to sell, trade or barter in table wine between the hours of nine o'clock P. M. of any Saturday and six o'clock A. M. of the following Monday.

(2) For any licensee to sell, furnish or give away table wine to any person visibly intoxicated, or to any insane person or any minor, or to habitual drunkards, or persons of known intemperate habits.

(3) For any licensee to sell, furnish or give away any table wine to any person until after the time fixed by law for the closing of polling places on days on which a general, municipal, special or primary election is being held.

(4) For any licensee to fail to keep for a period of at least three years, complete and truthful records covering the operation of his license and particularly showing the date of all purchases of table wine, the actual price paid therefor and the name of the vendor, or to refuse the Board or any authorized employee of the Board access thereto or the opportunity to make copies of the same when the request is made during business hours.

(5) For any licensee to refuse the Board or any of its authorized employees the right to completely inspect the entire licensed premises at any time during which the premises are open for the transaction of business.

(6) For any retail dispenser to furnish, give away, or sell below fair cost any lunch to any consumer, except such articles of food as the Board may authorize and approve.

(7) For any licensee to be directly or indirectly employed by any other licensee engaged in the manufacture, storage, transportation or sale of table wine.

(8) For any licensee to knowingly sell any table wine to any person engaged in the business of illegally selling liquor, wine or malt or brewed beverages.

(9) For any person to manufacture, transport or import any table wine into Montgomery County, except in accordance with the reasonable rules and regulations of the Board. Provided, however, that this provision shall not be construed to prohibit the transportation of table wines

through the county and not for delivery therein if such transportation is done in accordance with the reasonable rules and regulations of the Board.

(10) For any person, firm, corporation, partnership or association of persons as such terms are defined in Section 1, Title 29, Code of Alabama 1940, as amended, who has not been licensed so to do under the appropriate provisions of this Act or of Title 29, Code of Alabama 1940, as amended, to sell, offer for sale or have in possession for sale, any table wine. Any table wine so possessed, maintained or kept shall be contraband and subject to condemnation and confiscation as provided by law.

(11) For any person licensed to sell table wine to offer or give any thing of value as a premium for the return of caps, stoppers, corks, stamps or labels taken from any bottle, case, barrel or package containing such table wine, or to offer to give any thing of value as a premium or present to induce the purchase of such table wine or for any other purpose whatsoever in connection with the sale of such table wine. Provided, however, this provision shall not apply to the return of any moneys, specifically deposited for the return of the original containers to the owners thereof.

(12) For any licensee or transporter for hire to transport any table wine except in the original container, and for any transporter to transport any table wine within Montgomery County, unless such transporter shall hold a permit issued by the Board.

(13) For any manufacturer or wholesaler to deliver any table wine excepting in vehicles bearing the name and address and permit number of such manufacturer or wholesaler painted or affixed on each side of such vehicle in letters no smaller than four inches in height.

Any violation of any of the foregoing subsections 1 through 13 of this subsection A of this section 20 shall be a misdemeanor punishable by a fine of not less than fifty dollars nor more than five hundred dollars, to which at the discretion of the court or judge trying the case, may be added imprisonment in the county jail or at hard labor for the county for not more than six months for the first conviction; and, on the second conviction of a violation of this subsection, the offense shall, in addition to a fine within the limits above named, be punishable by imprisonment or at hard labor for the county for not less than three months nor more than six months to be imposed by the court or judge trying the case; and, on the third and every subsequent conviction of a violation of this subsection, the offense shall, in addition to a fine within the limits above named, be punishable by imprisonment or at hard labor for the county for not less than six months nor more than twelve months.

B. It shall be unlawful:

(1) For any person to give away, sell, serve, buy or drink any table wine in any cafe, lunchroom, restaurant, hotel dining room, or other public place on Sunday.

(2) For the proprietor, keeper or operator of any cafe, lunchroom, restaurant, hotel dining room, or other public place to knowingly permit any person to give away, sell, serve, or drink any table wine on the premises of such cafe, lunchroom, restaurant, hotel dining room, or other public place on Sunday.

Any violation of any of the foregoing subsections 1 through 2 of this subsection B of this section 20 shall be a misdemeanor punishable by a fine of not less than ten dollars nor more than one hundred dollars, to

which, at the discretion of the court or judge trying the case, may be added imprisonment in the county jail or at hard labor for the county for not more than three months.

Section 22. Interlocking Businesses and Interest Prohibited.—No manufacturer and no officer or director of any manufacturer shall, at the same time, be a wine wholesaler or retailer, or an officer, director or stockholder or creditor of any wine wholesaler or retailer, nor except as hereinafter provided, be the owner, proprietor or lessor of any place covered directly or indirectly by any wine wholesaler's license.

No wine wholesaler and no officer or director of any wine wholesaler shall at the same time be a manufacturer or wine retailer, or be an officer, director, stockholder or director of a manufacturer or wine retailer, or be the owner, proprietor or lessor of any place covered by any table wine license.

No licensee licensed under this Act, shall directly or indirectly own any stock of, or have any financial interest in, any other class of business licensed under this Act.

Excepting as hereinafter provided, no wine manufacturer or wholesaler shall in any wise be interested, either directly or indirectly in the ownership or leasehold of any property, or in any mortgage against the same, for which a liquor or wine retailer's license is granted; nor shall a wine manufacturer or wholesaler either directly or indirectly, lend moneys, credit or equivalent thereof to any retailer in equipping, fitting out or maintaining and conducting, either in whole or in part, an establishment or business operated under a wine retailer's or liquor retail dispensers' license, excepting only the usual and customary credits allowed for returning packages or containers in which table wine was packed for market by the manufacturer.

Excepting as hereinafter provided, no manufacturer shall in any wise be interested, directly or indirectly, in the ownership or leasehold of any property, or any mortgage lien against the same, for which a wine wholesaler's license is granted, nor shall a manufacturer, either directly or indirectly, lend any moneys, credit or their equivalent to any wine wholesaler in equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment or business where table wines are licensed for sale by a wine wholesaler, excepting only the usual credits allowed for the return of packages or containers in which table wines were originally packed for the market by the manufacturer.

No wine wholesaler or retailer shall in any wise, either directly or indirectly, receive any credit, loan, moneys, or the equivalent thereof from any other licensee, or from or through a subsidiary or affiliate of another licensee or from any firm, association, or corporation, except banking institution in which another licensee or any officer, director or firm member of another licensee has a substantial interest or exercises a control of its business policy for equipping, fitting out, payment of license fee, maintaining and conducting, either in whole or in part, an establishment or business operated under a wine wholesaler's or retailer's license, excepting only the usual and customary credits allowed for the return of packages or containers in which table wines were packed for the market by the manufacturer.

The purpose of this section is to require a separation of the financial and business interest between the various classes of business regulated by this Act, and no person or corporation shall by any device whatsoever, directly or indirectly, evade the provisions of this section. Provided, however, nothing herein contained shall prohibit a licensed wine wholesaler operating within Montgomery County, Alabama, from purchasing

and improting table wine from outside the State of Alabama and operating within the state as a table wine supplier for other wine wholesalers lawfully authorized to sell table wine within or without the State of Alabama.

Section 23. Stamps.—A wine wholesaler licensed under this Act may be required by the Board to affix a distributor's stamp, as a means of identification, to all table wines sold to a wine retailer. Such stamps may be purchased at cost from the Board by any licensed wine wholesaler.

Section 24. Severability.—The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 25. Legislative Intent.—The public interest lying in the proper regulation of alcoholic beverages, it is the intent of the Legislature and declared to be the purpose and intent of this Act to regulate the sale of alcoholic beverages in Montgomery County, and specifically to authorize and regulate the sale and handling of table wine therein by wine manufacturers, wholesalers and retailers licensed by the Alabama Alcoholic Beverage Control Board.

Section 26. Except as provided herein, all laws or parts of laws which conflict or are inconsistent with this Act are hereby repealed. Provided, however, this Act does not repeal Chapter 1, Title 29, Code of Alabama 1940, as amended, and the provisions thereof not in conflict with this Act shall apply; but where there exists a conflict or any inconsistency between the provisions of Chapter 1, Title 29, Code, and the provisions of this Act, the provisions of this Act shall control and prevail. Provided further, that this Act does not repeal Act No. 1055, 1973 Regular Session of the Alabama Legislature (Acts of Alabama 1973, p. 1698).

Section 27. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MONTGOMERY

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. T. Johnson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Montgomery Independent, a newspaper of general circulation published in Montgomery County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1975.

W. T. JOHNSON.

Sworn to and subscribed before me July 25, 1975.

SUSAN WARD JOHNSON,
Notary Public.

By Mr. Jackson (R):

H. 1442. To amend Act No. 452, 1955 Regular Session, which provides a mayor-council form of government for cities having a population of three hundred thousand inhabitants or more, so as to provide a city

council for such cities consisting of 15 members to be elected from single member districts; to provide for establishment of districts and for their reapportionment; and to provide a minimum age and residency requirement for councilmen.

Local Legislation No. 2.

By Mr. Riddick:

H. 1443. To make an appropriation from the Special Educational Trust Fund for capital outlay purposes at the University of Alabama in Huntsville for the fiscal year ending September 30, 1976.

Ways and Means.

By Messrs. Holley and Folmar (With Notice and Proof):

H. 1444. Relating to Coffee County; directing the county governing body to submit to the qualified electors of the county the question of whether the county commission shall be directed to establish a county public building authority to build a new courthouse in Elba and a new annex in Enterprise; providing for notice and holding of said election; allowing the county governing body to levy a special tax to finance erection of such buildings if a majority of the qualified electors of the county voting at such election shall vote in favor of the erection of the said buildings.

Local Legislation No. 1.

Notice and Proof H. 1444:

A BILL
TO BE ENTITLED
AN ACT

Relating to Coffee County: Directing the county governing body to submit to the qualified electors of the county the question of whether the county commission shall be directed to establish a county public building authority to build a new courthouse in Elba and a new annex in Enterprise; providing for notice and holding of said election; allowing the county governing body to levy a special tax to finance erection of such buildings if a majority of the qualified electors of the county voting at such election shall vote in favor of the erection of the said buildings.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Coffee County shall provide for and order an election, to be held at the time of the general election, 1976. At such election the question of whether the county commission shall be directed to establish a county public building authority to build a new courthouse in Elba and a new annex in Enterprise, shall be submitted to the qualified electors of the county.

Section 2. Notice of such election shall be given by publication in a newspaper published in said county once a week for four successive weeks, which notice shall state the purpose for which the election is to be held, the time and place for holding the same and a description of the sites on which the new courthouse in Elba and the new annex in Enterprise are to be erected. Such notice shall be signed by the probate judge or chairman of the county commission.

Section 3. The ballot used at such election must be prepared by the probate judge, shall provide two choices, and shall contain the words "for erection of two courthouses; a courthouse in Elba on site . . . and

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erection of a courthouse annex in Enterprise on site . . ." (the description of each site to be shown in the blank spaces)

and

"against erection of two courthouses; a court house in Elba on site . . . and against erection of a courthouse annex in Enterprise on site . . ." (the description of each site to be shown in the blank spaces).

The voter shall indicate his choice by placing a cross mark before or after the one or the other. If a majority of the qualified electors of the county voting at such election shall vote in favor of the erection of the buildings, it is hereby mandatory upon the governing body to establish a county public building authority to proceed with the erection.

Section 4. In all respects the laws relating to the holding of elections in counties to determine whether county bonds may be issued shall govern and apply to elections held under this Act.

Section 5. If at any such election a majority of the qualified electors of the county voting at the election shall vote for the erection of a new courthouse in Elba and a new courthouse annex in Enterprise, the county governing body is directed to establish a Public Building Commission which shall let bids within one year after such election for the erection of the said buildings on the proposed sites. The county governing body may levy a special tax to finance erection of such buildings.

Section 6. This Act shall become null and void if the provisions of Title 12, Section 230 of the Code of Alabama 1940 are satisfied 60 days prior to the election set forth in this Act.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF COFFEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared James L. Brackin, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor-Publisher of the Elba News, a newspaper of general circulation published in Coffee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 6-12-75, 6-19-75, 6-26-75, and 7-3-75, all in the year 1975.

THE ELBA NEWS by
JAMES L. BRACKIN.

Sworn to and subscribed before me 28 day of July, 1975.

GLEND A. F. STOKES,
Notary Public.

By Messrs. McNees and Naramore:

H. 1445. To levy a tax on the sale of spiritous liquors sold in miniature bottles by the Alabama Alcoholic Beverage Control Board; to provide for the collection and disposition of the proceeds of the tax, and to appropriate said proceeds to highway and prison uses.

Ways and Means.

By Messrs. Gafford, Moore (O), Andrews, White and Waggoner:

H. 1446. To amend further the Title and Article III, Sections 3.01, 3.02, 3.09; Article IV, 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08 and 4.09 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, p. 1004), as amended, providing a Mayor-Council form of government for cities having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census, so as to provide for the election of the members of the Council from districts, defined as herein directed; and to provide further for the election, term and qualification of candidates for the offices of Mayor, Vice-Mayor, and Councilman; to provide further for filling vacancies in the offices of Mayor, Vice-Mayor and Councilman.

Local Legislation No. 2.

By Messrs. Manley, Mitchem, Morris, Kelley, Crowe, Teague, Biddle, Sonnier, Gafford, Owens, Goodwin, Sparks, Brindley, Hall, Cates, Sandusky, Smith (M), Clark, Killian, Cross, Roberts, Naramore, Martin, Moore (W), Carter, Smith (B), Albright, Starkey, Warren, Sasser, Holley, Coburn, Falkenburg, White, Moore (O), Andrews, Trammell, Robertson, McCorquodale, McCulley, Malone, Callahan, McMillan, Kinsey, Folmar, Venable, Smith (C), Carothers, Williams, Crawford, Baker, Jackson (F), Wyatt, Higginbotham, Plaster, Weeks, Rich, Taylor, Gregg, Whatley, Lee, Boles, Greer and Armstrong:

H. 1447. Relating to the punishment for certain heinous crimes; to amend Code of Alabama 1940, Title 14, Sections 85, 395, and 415 in order to increase the minimum term of imprisonment for which a person convicted of burglary in the first degree, rape, or robbery, may be sentenced.

Judiciary.

By Messrs. Manley, Morris, Mitchem, Kelley, Crowe, Teague, Biddle, Sonnier, Gafford, Owens, Goodwin, Sparks, Brindley, Hall, Cates, Sandusky, Smith (M), Clark, Killian, Cross, Roberts, Martin, Naramore, Moore (W), Carter, Smith (B), Albright, Starkey, Warren, Sasser, Holley, Coburn, Falkenburg, White, Moore (O), Andrews, Trammell, Robertson, Riddick, McCorquodale, McCulley, Malone, Callahan, McMillan, Kinsey, Folmar, Venable, Smith (C), Carothers, Williams, Crawford, Baker, McCluskey, Jackson (F), Wyatt, Higginbotham, Plaster, Weeks, Rich, Taylor, Gregg, Whatley, Lee, Boles, Greer and Armstrong:

H. 1448. To provide for increased penalties for the commission of second, third, fourth, and all subsequent felonies; to limit pardon, parole, and early release of such persons; to repeal all conflicting laws; and to provide an effective date.

Judiciary.

By Messrs. Manley, Mitchem, Kelley, Crowe, Teague, Biddle, Sonnier, Gafford, Owens, Goodwin, Morris, Sparks, Brindley, Hall, Cates, Sandusky, Smith (M), Cross, Roberts, Martin, Naramore, Moore (W), Carter, Smith (B), Albright, Starkey, Warren, Sasser, Holley,

Coburn, Falkenburg, White, Moore (O), Andrews, Trammell, Robertson, Riddick, McCorquodale, McCulley, Malone, Callahan, McMillan, Kinsey, Folmar, Venable, Smith (C), Carothers, Williams, Crawford, Baker, McCluskey, Jackson (F), Wyatt, Higginbotham, Plaster, Weeks, Rich, Taylor, Gregg, Whatley, Lee, Boles, Greer and Armstrong:

H. 1449. To prohibit threats against the person or property of another and to provide penalties therefor.

Judiciary.

By Messrs. Manley, Mitchem, Kelley, Crowe, Teague, Biddle, Morris, Sonnier, Gafford, Owens, Goodwin, Sparks, Brindley, Hall, Cates, Sandusky, Cross, Smith (M), Lutz, Clark, Kennedy, Killian, Johnstone, Malone, Roberts, Martin, Naramore, Moore (W), Carter, Smith (B), Albright, Starkey, Warren, Sasser, Holley, Coburn, Falkenburg, White, Moore (O), Andrews, Trammell, Robertson, Riddick, McCorquodale, McCulley, Callahan, McMillan, Kinsey, Folmar, Venable, Smith (C), Carothers, Williams, Crawford, Baker, Jackson (F), Wyatt, Higginbotham, Plaster, Weeks, Rich, Taylor, Gregg, Whatley, Lee, Boles, Greer and Armstrong:

H. 1450. To provide for the attendance of witnesses from outside the State in criminal proceedings and to provide for the summoning of such witnesses and the arrest and service of process; and to provide for the repeal of all laws in conflict; and to provide an effective date.

Judiciary.

By Messrs. Manley, Mitchem, Kelley, Crowe, Teague, Morris, Biddle, Sonnier, Gafford, Owens, Goodwin, Sparks, Brindley, Hall, Cates, Sandusky, Smith (M), Clark, Killian, Cross, Roberts, Martin, Naramore, Moore (W), Carter, Smith (B), Albright, Starkey, Warren, Sasser, Holley, Coburn, Falkenburg, White, Moore (O), Andrews, Trammell, Robertson, Riddick, McCorquodale, McCulley, Malone, Callahan, McMillan, Kinsey, Folmar, Venable, Smith (C), Carothers, Williams, Crawford, Baker, McCluskey, Jackson (F), Wyatt, Higginbotham, Plaster, Weeks, Rich, Taylor, Gregg, Whatley, Lee, Boles, Greer, and Armstrong:

H. 1451. To amend Code of Alabama 1940, Title 42, Section 8, in order to prohibit granting a parole to a prisoner convicted twice of murder and requiring minimum service of twenty years for murder in the first degree and ten years for arson and burglary in the first degree, and robbery and rape.

Judiciary.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Dial and Teague:

H. R. 199. MOURNING THE DEATH OF RANDY G. OWENS.

WHEREAS the Alabama legislature has noted with a sense of deep regret the passing of Randy G. Owens of Randleman, North Carolina; and

WHEREAS Mr. Owens was the father of two young boys; and

WHEREAS Mr. Owens tragically lost his life in an accident at the Alabama International Motor Speedway; and

WHEREAS Randy G. Owens was the brother-in-law of Richard Petty; and

WHEREAS Mr. Owens was serving as a member of Richard Petty's pit crew at the Speedway; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That we mourn the death of Randy G. Owens and express our deep and sincere sympathy to his family to whom copies of this resolution shall be sent.

On motion of Mr. Dial, the rules were suspended and the resolution, H. R. 199, was adopted.

Also:

By Mr. Kinsey:

H. J. R. 200. NAMING HIGHWAY 98 FROM SPANISH FORT TO BARNWELL THE "EASTERN SHORE PARKWAY".

WHEREAS Highway 98 from Spanish Fort to Barnwell runs through the beautiful western area of Baldwin County; and

WHEREAS this highway runs past some of the most beautiful homes in this state along the Eastern Shore of Mobile Bay; and

WHEREAS the annual Dogwood Trail is held along this scenic route; and

WHEREAS this area played a vital part in the early settlement of Alabama by the Spanish and French; and

WHEREAS the famed Grand Hotel at Point Clear is located on this highway; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That Highway 98 from Spanish Fort to Barnwell in Baldwin County is hereby designated the "Eastern Shore Parkway".

BE IT RESOLVED FURTHER, That the State Highway Department shall cause appropriate signs and markers to be erected so designating it.

The resolution, H. J. R. 200, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Andrews:

H. J. R. 201. COMMENDING Robert Earl McKee, Pastor of the Eighty-Fifth Street Baptist Church.

WHEREAS the Reverend Robert Earl McKee has faithfully served the congregation of the Eighty-Fifth Street Baptist Church; and

WHEREAS the Reverend Robert Earl McKee has devoted his life to serving ALMIGHTY GOD and helping his fellow-man; and

WHEREAS the Reverend Robert Earl McKee is a saintly man and an instrument of the HOLY SPIRIT in the leadership of God's flock; and

WHEREAS the Reverend Robert Earl McKee not only serves the needs of his congregation, but performs a vital service to his community; now therefore,

BE IT RESOLVED by the Legislature of Alabama, both houses thereof concurring, that we most heartily commend the Reverend Robert Earl McKee of the Eighty-Fifth Street Baptist Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of such wonderful and faithful service, and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Reverend Robert Earl McKee.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 201, on the Clerk's desk for one legislative day.

Also:

By Mr. Andrews:

H. J. R. 202. COMMENDING Isaac B. McDonald, Pastor of the Ruhama Baptist Church.

WHEREAS the Reverend Isaac B. McDonald has faithfully served the congregation of the Ruhama Baptist Church; and

WHEREAS the Reverend Isaac B. McDonald has devoted his life to serving ALMIGHTY GOD and helping his fellow-man; and

WHEREAS the Reverend Isaac B. McDonald is a saintly man and an instrument of the HOLY SPIRIT in the leadership of GOD'S flock; and

WHEREAS the Reverend Isaac B. McDonald not only serves the needs of his congregation, but performs a vital service to his community; now therefore,

BE IT RESOLVED by the Legislature of Alabama, both houses thereof concurring, that we most heartily commend the Reverend Isaac B. McDonald of the Ruhama Baptist Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of such wonderful and faithful service; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Reverend Isaac B. McDonald.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 202, on the Clerk's desk for one legislative day.

Also:

By Mr. Manley:

H. R. 203. Be it resolved by the House of Representatives that when the House adjourns today it will adjourn to meet again on Tuesday, August 5, 1975, at 1:00 o'clock p. m.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 203, was adopted.

Also:

By Mr. Venable:

H. J. R. 204. COMMENDING MRS. HENRIETTA COUNTS UPON HER RETIREMENT AS DIRECTOR OF THE TALLASSEE CITY RECREATION CENTER.

WHEREAS Mrs. Henrietta Counts is retiring after having faithfully and diligently served as Director of the Tallassee City Recreation Center for the past 15 years; and

WHEREAS she has always given generously and tirelessly of her efforts and time to her community; and

WHEREAS the charming Mrs. Counts has contributed much to the recreation programs in Tallassee; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Mrs. Henrietta Counts and wish her many years of happiness in the retirement which she so richly deserves.

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Counts.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 204, on the Clerk's desk for one legislative day.

RESOLUTIONS

The following resolutions introduced on the seventeenth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 174. Mourning the death of Randy G. Owens.

H. J. R. 175. Commending Charles E. Baker, Pastor of the John Wesley Bible Church.

H. J. R. 176. Commending Jerry W. Batson, Pastor of the South Roebuck Baptist Church.

H. J. R. 177. Commending Mrs. Emma Lee Jackson Smee.

H. J. R. 181. Regretting the illness of former Governor James E. Folsom.

S. J. R. 48. Commending Barrett Shelton, Sr.

S. J. R. 53. Mourning the death of Homer DeWitt Gilley.

S. J. R. 54. Commending the Phenix City Exchange Club.

S. J. R. 55. Congratulating Garry Martin for being named The Alabama Exchange Club's "Youth of the Year."

S. J. R. 60. Thanking the Russell Corporation for the baseball shirts.

S. J. R. 61. Congratulating Mr. and Mrs. Miles Hall, Jr., upon the birth of a son.

On motion of Mr. Crowe, the resolutions were adopted en masse.

RESOLUTIONS

The following resolutions introduced on the sixteenth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 157. Commending James Lawson, Pastor of the Packer Memorial Baptist Church.

H. J. R. 158. Commending Daryl Jones, Pastor of the Roebuck Park Baptist Church.

H. R. 160. Extending appreciation to Miss Lynn Limbaugh, Alabama Textile Queen.

H. J. R. 161. Commending Luther L. Crowe.

H. J. R. 162. Mourning the death of Walter L. Rice, Sr.

H. J. R. 164. Congratulating Sandra Parker for being named champion skeet shooter.

H. J. R. 167. Commending Mrs. Hattie Smith.

On motion of Mr. Crowe, the resolutions were adopted en masse.

RESOLUTIONS

The following resolutions introduced on the eighteenth legislative day, were read by title pursuant to Joint Rule 11:

H. J. R. 185. Commending John A. Troxler, Pastor of the Seventy-Sixth Street Presbyterian Church.

H. J. R. 186. Commending Mike Todd, Pastor of the Lake Highland Baptist Church.

H. J. R. 187. Commending John N. Foster, Pastor of the Lakewood Baptist Church.

H. J. R. 189. Mourning the death of Thomas M. Lambert, Sr.

H. R. 191. A tribute to Mr. Doug Benton.

H. R. 192. A tribute to the Randolph County Poll Workers.

H. J. R. 193. Commending N. R. Horton for his contributions to the seafood industry.

H. R. 195. Regretting the illness of Mrs. Beulah "Nannie" Marler.

On motion of Mr. Crowe, the resolutions were adopted en masse.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted favorably on the following resolutions:

H. J. R. 103. Continuing the environmental land and water management committee.

On motion of Mr. Crowe, the resolution was adopted.

Also:

H. J. R. 180. Extending the time of reporting of the joint interim committee to study the state parks created by Act No. 212, S.J.R. 39, Third Special Session 1975.

On motion of Mr. Lewis, the resolution was adopted.

Also:

H. J. R. 183. Directing the United States Corps of Engineers to initiate a policy of erecting and maintaining bouyed barriers in the tailwater areas below Corps of Engineers dams in the state.

On motion of Mr. Biddle, the resolution was adopted.

RESOLUTION

The following resolution was introduced:

By Messrs. Manley, Crowe and McCorquodale:

H. J. R. 205. COMMENDING THE TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY.

WHEREAS, the Tennessee-Tombigbee Waterway Development Authority is a state agency in Alabama; and

WHEREAS, this outstanding organization is a five-state compact charged with promoting development of the Tennessee-Tombigbee Waterway in Alabama and with coordinating planning for the development of the areas surrounding the waterway; and

WHEREAS, this project will open up a major trade route that will generate commerce from 23 states all channeling through the Alabama State Docks at the Port of Mobile, giving Mobile the potential to become one of the nation's busiest and most outstanding ports, and resulting in millions of dollars that will become state funds; and

WHEREAS, the Tennessee-Tombigbee Waterway Development Authority headquartered in Columbus, Mississippi is the agency responsible for securing funds from Congress to plan and build this great "missing link" on America's inland waterway system; and

WHEREAS, efforts of this organization have already resulted in \$100 million worth of construction work being underway in Alabama, employing hundreds of workers at all skill levels; and

WHEREAS, the Authority has succeeded in getting Congress to double the appropriation each year and has gotten a recommendation from the House Appropriations Sub-Committee on Public Works for an additional \$101 million to be spent on the waterway during the fiscal 1976, and enjoys a marvelous working relationship with numerous members of Congress and federal government officials that has resulted in construction of the waterway to this point; and

WHEREAS, the Tennessee-Tombigbee Waterway is nationally recognized as the outstanding project of its kind as a result of the Authority's active and highly effective public relations program and is the largest project of its kind under construction in the United States; and

WHEREAS, this 253-mile-long project has been likened to the Louisiana Purchase and the TVA Act as economic milestones in the nation's history and can become a trade route rivaling the Panama Canal and St. Lawrence Seaway; and

WHEREAS, Governor George C. Wallace serves effectively as the current chairman of this organization and Alabama has six other outstanding citizens including two members of the Alabama Senate, who serve without pay as members of this Authority; and

WHEREAS, Glover Wilkins, administrator, has worked on this project 28 years; and

WHEREAS, the work of this agency has already resulted in millions of dollars and other economic benefits accruing to Alabama and the agency has the knowledge and capabilities to bring even more benefits to this great state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend the Ten-

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nessee-Tombigbee Waterway Development Authority for its knowledgeable, skillful and effective work in promoting the development of Alabama's vast resources and express our sincere appreciation and gratitude for the efforts of this outstanding organization.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Glover Wilkins, administrator of the Authority.

On motion of Mr. Manley, the rules were suspended and the resolution, H. J. R. 205, was adopted.

BILLS ON THIRD READING

And the bill:

H. 619. To further amend Section 1 of Act No. 81, H. 76, 1967 Special Session (Acts of 1967, p. 114, now appearing in Code of Alabama, Recompiled 1958, as Title 13, Section 125 (79a) so as to provide that the secretary of the district attorney for the nineteenth judicial circuit of Alabama shall be paid the same salary as that of the top step position for a clerk stenographer three in state service.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

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And the bill:

H. 920. To provide for additional expense allowances for certain public officials in Washington County.

Having been temporarily postponed on the eighteenth legislative day, was taken up.

H. 920 POSTPONED

On motion of Mr. McCulley, the bill, H. 920, was postponed to the twentieth legislative day.

And the bill:

H. 751. To authorize and empower the director of the Madison County License Department to charge and collect a fee of \$1.00 for the performance of duties relative to the recording of the transfer of ownership of motor vehicles as prescribed in Title 51, Section 706, Code of Alabama 1940, as last amended; to provide that all fees so collected shall be the property of the county and shall be paid into the general fund of the county; to repeal conflicting laws.

Having been postponed on the eighteenth legislative day, was taken up.

H. 751 RECOMMITTED

On motion of Mr. Lutz to recommit, the Speaker recommitted the bill, H. 751, to the Standing Committee on Local Legislation No. 4.

And the bill:

H. 1302. To authorize the County Commission of Randolph County to provide for the relief of the Farm Bureau Insurance Company for the payment of a claim arising from a wreck between a Randolph County truck and a car driven by James East.

Having been postponed on the eighteenth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

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BILLS TEMPORARILY CARRIED OVER

No objection being offered, the Speaker temporarily carried over the bills, H. 990, H. 997 and H. 1065.

And the bill:

H. 1170. Relating to Lauderdale County; to provide for the salary of the members of the Jury Commission.

Was taken up.

Mr. Greer offered the following amendment to the bill:

Amend House Bill 1170 by deleting Section 2 in its entirety and inserting in lieu thereof the following:

"Section 2. This act shall become effective March 1, 1975."

And the amendment was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M),

Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

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And the bill, H. 1170 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—76

And the bill:

H. 1289. To amend the title and Section 1 of Act No. 235, H. 904, Regular Session 1965 (Acts 1965, P. 339), which provides further for redeeming land sold for taxes, transfers certain duties of the probate judge to the tax collector of certain counties classified on a population basis.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—76

And the bill:

H. 1339. Relating to counties having a population of not less than 53,000 nor more than 55,000; to validate and confirm any contributions of county funds to the use of any non-profit volunteer rescue squad within the county between October 1, 1973 and October 31, 1974.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross,

Crowe, Drake, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—76

And the bill:

H. 1340. Relating to counties having a population of not less than 53,000 nor more than 55,000; to provide an additional allowance for the clerk hire fund of the office of probate judge in such counties, and making provisions hereof retroactive.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—76

And the bill:

H. 1157. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory, owned by the city and commonly referred to as Lagoon Park, all of which is located in Montgomery County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—76

And the bill:

H. 1324. Relating to Tallapoosa County; to provide for branch banking under certain conditions.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—76

And the bill:

H. 1325. To apply in all counties having populations of not less than 35,000 nor more than 38,000, according to the most recent Federal decennial census, to provide for the relief of Wilma M. Atkinson because of property damage sustained to her automobile.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—76

And the bill:

H. 1328. (With Substitute): To provide further for the compensation and expense allowances of certain officers of Morgan County.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for expense allowances including retroactive expense allowances of certain officers of Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all compensation and expense allowances heretofore provided by law for the following officers of Morgan County, they shall be entitled to receive the following amounts to be used for the purpose of defraying expenses incurred in the performance of their respective duties:

Tax Assessor	\$170.00 per month
Tax Collector	170.00 per month
Coroner	375.00 per month
Chairman of the County Commission	100.00 per month
Members of the County Commission, each	100.00 per month
Judge of the Morgan County Court	340.00 per month
Reporter of the Morgan County Court	100.00 per month

The above allowances shall be in addition to any other salary, compensation or other expense allowances presently provided by law for such officers; and such allowances shall be paid from the general fund of Morgan County in monthly installments.

Section 2. The allowance hereinabove authorized for the coroner shall be made retroactive to the beginning of the term of office of the coroner who is serving when this act becomes law, and the allowances hereinabove authorized for other officers of Morgan County shall be made retroactive to April 1, 1975.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective on the first day of the month beginning after its passage and approval by the Governor or its otherwise becoming a law.

And the substitute was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

And the bill:

H. 1328. To provide for expense allowances including retroactive expense allowances of certain officers of Morgan County.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—76

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Smith (C), the rules were suspended in order to bring up out of order the bill, H. 1022.

And the bill:

H. 1022. To amend Section 1 of Act No. 471, S. 189, Regular Session 1969, (Acts of 1969, p. 914; now appearing in Code of Alabama, 1940, Recompiled 1958, Title 55, Section 531, entitled "An Act To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles, to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool"; so as to place certain limitations on the size of such vehicles to be purchased for use by any employee, official or officer of the state except certain law enforcement personnel and constitutional officers.

Was taken up.

Mr. Smith (C) offered the following amendment to the bill:

Amend H. B. 1022 page 2, line 20 and 21 by striking the words "purchased from authorized General Motors Ford, Chrysler or American Motors dealerships,"

And the amendment was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Coburn, Crawford, Cross, Crowe, Dial,

Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Gregg, Hall, Harris, Higginbotham, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Porter, Reed, Rich, Riddick, Roberts, Sasser, Smith (C), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—73

And the bill, H. 1022 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holley, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Lewis, Lutz, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—77

And the bill:

H. 990. Relating to Calhoun County; to provide that the provisions of Act No. 384, H. 946, 1969 Regular Session (Acts of 1969, p. 754) which provides a civil service system for the employees of the sheriff's office of Calhoun County shall apply to certain regular employees of Calhoun County; to repeal Act No. 138, S. 294, 1951 Regular Session (Acts of 1951, p. 363) and other conflicting acts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—76

And the bill:

H. 997. To create an Industrial Development Authority for Calhoun County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers,

functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—76

And the bill:

H. 1065. To provide that bonds, notes and other securities issued by certain public hospital corporations organized in any county having a population of not less than 95,000 nor more than 115,000, according to the most recent federal decennial census, shall be exempt from laws governing usury or prescribing or limiting interest rates.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—76

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Moore (O) to suspend the rules in order to bring up out of order the bill, H. 640, was lost.

H. 997 RECONSIDERED

Having voted on the prevailing side, Mr. Merrill moved to reconsider the vote by which the bill, H. 997, was passed, and the motion was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Dial, Drake, Edwards,

Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, LeFlore, Lutz, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Reed, Rich, Roberts, Robertson, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Venable, Waggoner, White and Williams.

—53

H. 997 POSTPONED

On motion of Mr. Merrill, the bill, H. 997, was postponed to the twentieth legislative day.

H. 990 RECONSIDERED

Having voted on the prevailing side, Mr. Merrill moved to reconsider the vote by which the bill, H. 990, was passed, and the motion was adopted.

And the bill:

H. 990. Relating to Calhoun County; to provide that the provisions of Act No. 384, H. 946, 1969 Regular Session (Acts of 1969, p. 754) which provides a civil service system for the employees of the sheriff's office of Calhoun County shall apply to certain regular employees of Calhoun County; to repeal Act No. 138, S. 294, 1951 Regular Session (Acts of 1951, p. 363) and other conflicting acts.

Was again taken up.

Mr. Shelton offered the following amendment to the bill:

In the title, on the second from the last line, insert after the words and figures, "Calhoun County;" and before the words, "to repeal" the following:

to enlarge the civil service board, created by said Act No. 384 and provide further for the appointment of members of such board;

Also insert after Section 2 the following new section 3 and renumber the remaining sections of the bill accordingly.

Section 3. The Civil Service Board of Calhoun County, established by said Act No. 384 of the 1969 Regular Session shall immediately after this act becomes law be composed of five members, the three members currently serving when this act becomes law and two additional members to be appointed, jointly, by all the members of the Alabama Legislature who reside within Calhoun County. One of such additional members shall be appointed for a term of four years and one for a term of six years. Successors to such members and to the members of such board serving when this act becomes law shall be appointed by members of the Alabama Legislature, serving when the term expires and residing in Calhoun County, for terms of six years; and each vacancy on such board occurring during a term shall also be filled by members of the Alabama Legislature residing in Calhoun County at the time such vacancy is to be filled.

And the amendment was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Coburn, Dial, Drake, Edwards, Falkenburg, Folmar,

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Gafford, Goodwin, Greer, Gregg, Harris, Hill, Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lee, Lockett, Lutz, McMillan, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, White, Williams and Wyatt.

—53

And the bill:

H. 990. Relating to Calhoun County; to provide that the provisions of Act No. 384, H. 946, 1969 Regular Session (Acts of 1969, p. 754) which provides a civil service system for the employees of the sheriff's office of Calhoun County shall apply to certain regular employees of Calhoun County; to enlarge the civil service board, created by said Act No. 384 and provide further for the appointment of members of such board; to repeal Act No. 138, S. 294, 1951 Regular Session (Acts of 1951, p. 363) and other conflicting acts.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Coburn, Crawford, Cross, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Harris, Hill, Holley, Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lee, Lockett, Lutz, McMillan, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, White, Williams and Wyatt.

—55

BILLS ON THIRD READING RESUMED

The bill, H. 227, was called, and on motion of Mr. Smith (M) the bill, S. 194, was substituted for the bill, H. 227.

And the bill:

S. 194. To make an appropriation to the Division of Game and Fish, Department of Conservation and Natural Resources from the Game and Fish Fund for the purchase of radio communications equipment.

Was read a third time at length and passed.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holley, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Porter, Reed, Rich, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

And the bill:

H. 227. To make an appropriation to the Division of Game and Fish, Department of Conservation and Natural Resources from the Game and Fish Fund for the purchase of radio communications equipment.

Was taken up.

H. 227 INDEFINITELY POSTPONED

On motion of Mr. Smith (M), the bill, H. 227, was indefinitely postponed.

And the bill, H. 236, was called, and on motion of Mr. Hill, the bill, S. 132, was substituted for the bill, H. 236.

And the bill:

S. 132. To repeal and re-enact Section 11, Title 3, Code of Alabama 1940, as amended, pertaining to cruelty to animals.

Was taken up.

Mr. Smith (M) offered the following substitute for the bill:

A BILL TO BE ENTITLED AN ACT

To amend Section 11 of Title 3, Code of Alabama 1940, as amended, pertaining to cruelty to animals; to designate acts constituting cruelty to animals; to provide penalties therefor; and to exempt certain animals therefrom.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11 of Title 3, Code of Alabama 1940, as amended, is hereby amended to read as follows:

"Section 11. Cruelty to animals.—Any person, who tortures, torments, cruelly beats, mutilates, cruelly kills, overrides, overloads, or inflicts any unnecessary cruelty upon any animal, and whoever, having the charge, custody, or control of such animal, either as owner or otherwise, inflicts unnecessary cruelty, on or who fails to provide the necessary sustenance, water and proper shelter for any such animal, must, upon conviction, be fined not more than \$500.00 and in addition thereto may be sentenced to the county jail for not more than three months; this section shall not apply: to the dehorning of cattle, animals used in rodeos, stock-yard livestock, game-cocking, scientific laboratory experimentation, academic laboratory experimentation, fishing bait and guard dogs chained or fenced to guard a particular location.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Mr. Hill, the substitute offered by Mr. Smith (M) for the bill, S. 132, was tabled.

Yeas 54; Nays 16.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Barron, Brindley, Callahan, Coburn, Cross, Dial, Falkenburg, Goodwin, Gregg, Hall, Harris, Harrison,

Hill, Hilliard, Holley, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Leonard, Lewis, Lockett, Lutz, McCulley, McNees, Malone, Martin, Mitchem, Moore (O), Plaster, Porter, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Sonnier, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Williams and Wyatt.

—54

Nays:

Messrs.: Baker, Campbell, Carothers, Carter, Crawford, Crowe, Folmar, Gafford, Jackson (F), Lee, LeFlore, Rich, Smith (C), Smith (M), Warren and White.

—16

AMENDMENT OFFERED

Mr. Falkenburg offered the following amendment to the bill, S. 132:

Insert immediately after the enacting clause, which is on line 18, and as a new paragraph the following:

Section 1. Code of Alabama 1940, Title 3, Section 11, is hereby amended to read as follows:

Also on line 26 strike out the period and quotation marks at the end of Section 11 and add as a part of such section the following:

nor to the use of animals in connection with medical or scientific teaching or research.

And the amendment was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Dial, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Holley, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Merrill, Mitchem, Moore (O), Moore (W), Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—74

And the bill, S. 132 as amended, was read a third time at length and passed.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Holley, Holmes, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Porter, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B),

Smith (C), Smith (J), Sonnier, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—80

And the bill:

H. 236. To amend Title 3, Section 11, Code of Alabama, 1940, as amended, pertaining to cruelty to animals.

Was taken up.

H. 236 INDEFINITELY POSTPONED

On motion of Mr. Hill, the bill, H. 236, was indefinitely postponed.

And the bill:

H. 237. To provide for the barring of all actions against, and immunity from any actions for, all persons who performed or furnished the design, planning, supervision, observation, or construction of improvements on real property, whether based on contract or tort, for damages arising out of any act or omission of such persons in the design, planning, supervision, observation, or construction of such improvements, even though the injury did not occur and the cause of action could not reasonably have been discovered within a period of seven years, unless such actions commenced within said seven years next after completion of the improvement, except that if injury to the person or property occurred during the seventh year after such completion, an action in tort to recover damages for such an injury including an injury causing wrongful death, may be brought within one year of the date of such injury; and to repeal conflicting laws.

Having been postponed on the sixteenth legislative day, was taken up.

Mr. Morris offered the following substitute to the bill:

A BILL TO BE ENTITLED AN ACT

To provide for the barring of all actions against, and immunity from any actions for all persons who performed or furnished the design, planning, supervision, observation, or construction of improvements on real property, whether based on contract or tort, for damages for personal injury, wrongful death or damages to property arising out of any act or omission of such persons in the design, planning, supervision, observation, or construction of such improvements, unless such actions are commenced within seven years next after completion of the improvement, provided, however, that if the injury does not occur during said period, an action to recover damages for such an injury, including any injury causing wrongful death or damage to property, may be brought within one year of the date of such injury or damage; the immunity provided herein shall not be available to any owner, tenant or person in actual possession and control of the improvement at the time the cause of action accrues; nor shall it be available to the manufacturer or supplier of any equipment, machinery, or any other articles or materials which are installed in or become a part of any real property either as an improvement or otherwise; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Except as hereinafter provided, no action against persons who performed or furnished the design, planning, supervision, observa-

tion, or construction of improvements on real property, whether based on contract or tort, for damages for personal injury, wrongful death or damage to property arising out of any act or omission of such persons in the design, planning, supervision, observation, or construction of such improvements, may be commenced more than seven years after the completion of the improvement, provided, however, that if the injury, wrongful death, or damage to property does not occur during said period, an action to recover damages for such an injury or damage, including an injury causing wrongful death and property damage, may be brought within one year of the date of such injury or damage. For the purposes of this act, if a certificate of occupancy is issued, the improvement shall be deemed to be completed when such certificate is issued. In the absence of such a certificate, the date of acceptance by the owner shall be deemed as the completion date.

The immunity provided by this section shall not be available to any owner, tenant or person in actual possession and control of the improvement at the time the cause of action accrues; nor shall it be available to the manufacturer or supplier of any equipment, machinery, or any other articles or materials which are installed in or become a part of any real property either as an improvement or otherwise.

Section 2. Nothing in this act shall be construed as extending the period prescribed by the laws of this State for the bringing of any action. The bar or immunity from suit as set out herein shall not enlarge or extend the time otherwise allowed by the laws of this State for bringing an action, whether in tort or contract, for the recovery of damages.

Section 3. All laws or parts of laws in conflict with this act are repealed, and Act. No. 788, H. 899, Regular Session 1969 (Acts 1969, p. 1418) is hereby expressly repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional; such declaration shall not affect the part which remains.

Section 5. This act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming law; but it shall apply only to causes of action arising subsequent to the effective date of this act and shall not affect any injury or damage occurring prior to the effective date of this act.

MOTION TO TABLE LOST

The motion offered by Mr. Hill to table the substitute offered by Mr. Morris to the bill, H. 237, was lost.

Yeas 24; Nays 52.

Yeas:

Messrs.: Armstrong, Callahan, Carothers, Coburn, Goodwin, Greer, Gregg, Hill, Jackson (F), Johnstone, Kelley, Kinsey, McMillan, McNeas, Mitchem, Riddick, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Sparks, Taylor and Williams.

—24

Nays:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Brindley, Campbell, Carter, Clark, Crawford, Cross, Crowe, Dial, Drake, Edwards, Gafford, Hall, Harris, Harrison, Hilliard, Holley, Jackson (R), Johnson, Kennedy, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, McCulley, McNair,

Malone, Manley, Merrill, Moore (O), Moore (W), Morris, Owens, Rich, Roberts, Sasser, Smith (M), Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, White and Wyatt.

—52

The question was then on the substitute offered by Mr. Morris to the bill, H. 237, and the substitute was adopted.

Yeas 57; Nays 21.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Brindley, Campbell, Cates, Clark, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Hall, Harris, Harrison, Higginbotham, Hilliard, Jackson (F), Jackson (R), Johnson, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McCulley, McNair, Malone, Manley, Merrill, Moore (W), Morris, Naramore, Owens, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (J), Smith (M), Sparks, Teague, Trammell, Tucker, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—57

Nays:

Messrs.: Armstrong, Callahan, Carothers, Coburn, Goodwin, Greer, Hill, Johnstone, Kelley, McMillan, McNees, Mitchem, Moore (O), Rich, Sandusky, Shelton, Smith (C), Sonnier, Taylor, Warren and White.

—21

And the bill:

H. 237. To provide for the barring of all actions against, and immunity from any actions for all persons who performed or furnished the design, planning, supervision, observation, or construction of improvements on real property, whether based on contract or tort, for damages for personal injury, wrongful death or damages to property arising out of any act or omission of such persons in the design, planning, supervision, observation, or construction of such improvements, unless such actions are commenced within seven years next after completion of the improvement, provided, however, that if the injury does not occur during said period, an action to recover damages for such an injury, including any injury causing wrongful death or damage to property, may be brought within one year of the date of such injury or damage; the immunity provided herein shall not be available to any owner, tenant or person in actual possession and control of the improvement at the time the cause of action accrues; nor shall it be available to the manufacturer or supplier of any equipment, machinery, or any other articles or materials which are installed in or become a part of any real property either as an improvement or otherwise; and to repeal conflicting laws.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 3.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Carothers, Cates, Clark, Coburn, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Harrison, Hill, Holley, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W),

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Morris, Naramore, Owens, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—74

Nays: Messrs. Kennedy, McNair and Plaster.

—3

And the bill:

H. 412. To further amend Sections 1, 2, 4, 6 and 8 of Act No. 46, H. 36, Legislature of 1955, 2nd Spec. Session, approved April 6, 1955 (Acts of 1955, p. 152), an Act to regulate the sale of eggs by requiring inspection, grading and accurate labeling of eggs, said Act being amended by Act No. 531, S. 336, Legislature of 1955, Regular Session, approved September 9, 1955 (Acts of 1955, p. 1179) and by Act No. 194, H. 39, Legislature of 1961, Spec. Session, approved September 15, 1961 (Acts of 1961, p. 2167); amend said Sections 1, 2, 4, 6 and 8 of said Act No. 46, as amended, said amendments relating to definition of terms in said Act, labeling information on containers in which eggs are sold or offered for sale; inspection fee payments levied upon the sale of eggs and to abolish such levy; and further relating to the permit required of retail and wholesale egg dealers; and exemptions from the requirements of said Act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—81

And the bill:

H. 125. To prohibit state government, any of its political subdivisions or any agencies thereof from purchasing, with public funds, any beef that is not produced within the United States.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 78; Nays 1.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Gregg, Hall, Harris, Higginbotham, Holley, Holmes, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore,

Lewis, Lockett, Lutz, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—78

Nay: Mr. Malone.

—1

And the bill:

H. 367. To repeal Article 27 (Sections 438 through 449) of Chapter 1 of Title 2 of the Code of Alabama of 1940, which regulates the sale of paint by prescribing certain requirements under which paint is sold or offered for sale within this State.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Holley, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lockett, Lutz, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—75

And the bill:

H. 414. To amend Section 1 of Act No. 238, H. 288, approved July 27, 1953 (Acts of Alabama 1953, Vol. I, p. 303) an Act providing for the designation of certain employees of the Department of Agriculture and Industries as "Cattle Theft Investigators" with authority as peace officers, etc.; to amend said Act No. 238 of 1953 to designate such employees of the Department of Agriculture and Industries as "livestock theft investigators" with the power and authority of peace officers to conduct investigations and make arrests for any unlawful offense which may be exercised anywhere within the State of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 2.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hilliard, Holley, Holmes, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Plaster, Reed, Rich,

Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

Nays: Messrs. Kennedy and Tucker.

—2

And the bill:

H. 417. To repeal Section 6 of Title 2 of the Code of Alabama of 1940 which prohibits the buying, selling or other trading in, and the movement or transportation, of certain farm products after the hour of sunset and before the hour of sunrise.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hilliard, Holley, Holmes, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—80

And the bill:

H. 418. To prescribe a procedure for complaints, investigations, findings and recommendations where purchasers of agricultural, vegetable, flower, tree, shrub and herb seeds suffer damages as a result of any such seed not being in compliance with legal requirements which govern the sale thereof or where the seed fail to produce or perform as represented; to create and establish an investigation and arbitration committee for this purpose and to prescribe its powers, duties and authority.

Was taken up.

Mr. Sonnier offered the following amendment to the bill:

On page 3 lines 5 and 6 delete the words "President of the Alabama Farm Bureau Federation;" and insert in lieu thereof the following:

the chairman of the House and Senate agriculture committees.

And the amendment was adopted.

Yeas 57; Nays 13.

Yeas:

Mr. Speaker, Andrews, Armstrong, Biddle, Callahan, Campbell, Clark, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Greer, Hall, Harrison, Holley, Holmes, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McMillan, McNair, Malone, Martin, Merrill, Moore (O), Naramore, Owens, Plaster, Rich, Riddick,

Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Weeks, White and Williams.

—57

Nays:

Messrs.: Baker, Carothers, Cates, Coburn, Edwards, Goodwin, Higginbotham, McNees, Manley, Mitchem, Smith (M), Warren and Whatley.

—13

And the bill, H. 418 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hilliard, Holley, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—81

And the bill:

H. 419. To amend Sections 3, 6 and 7 of Act No. 424, H. 413, Legislature of 1963, Regular Session, approved September 2, 1963 (Acts of 1963, Vol. 2, p. 931), as amended, an Act to regulate the labeling, sale and offering or exposing for sale or distribution of agricultural, vegetable, flower, tree, shrub and herb seeds, etc.; to amend Section 3 of said Act No. 424 to prescribe the time of the test to determine the percentage of germination for agricultural and vegetable seed sold or offered for sale or distributed in hermetically sealed containers; to amend Section 6 of said Act 424 to require invoices of certain sales of seed sold at retail to be furnished to the buyer and that a record thereof with certain information thereon be kept by the seller; and to amend Section 7 of said Act No. 424 to authorize the adoption of rules and regulations governing the sale of seed that are subject to the provisions of the "Plant Variety Protection Act" of the Congress of the United States.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Edwards, Folmar, Gafford, Goodwin, Greer, Harris, Higginbotham, Hilliard, Holley, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore

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(O), Moore (W), Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J) Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

And the bill:

H. 546. To amend Act 404, Acts of Alabama, Regular Session, 1945, page 643, to provide that an association or associations of farmers engaged in multiplying and certifying seed or plant parts of a superior variety or strain and in increasing breeder seed by producing, processing and distributing foundation seed, may adopt symbols for such seed and register them with the Commissioner of Agriculture and Industries; to make it unlawful for any person, firm, association or corporation to sell, offer for sale, or otherwise distribute or market foundation seed for any one specified crop, other than the association which registered the symbol or symbols thereof with the State Commissioner of Agriculture and Industries; to authorize and direct the Department of Agriculture and Industries, the Alabama Cooperative Extension Service, and the Alabama Agricultural Experiment Station, to cooperate and coordinate with such associations of farmers to implement and conduct a seed improvement program, and to conduct educational programs stressing the benefits of the use of superior seed varieties.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Holley, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—79

And the bill:

H. 551. To regulate the operation of livestock markets in Alabama by requiring such markets to procure a permit issued by the Commissioner of Agriculture and Industries and to be bonded for the payment of their obligations; to authorize the revocation or cancellation of such permit under certain conditions together with the amount of the permit fee and the amount of bonds required; to require livestock markets to maintain physical standards of construction for safe and sanitary keeping and handling of livestock to prevent the spread of livestock diseases; to impose requirements or prohibitions with respect to the sale of livestock at public auction or otherwise; to require livestock markets to keep records of the receipt and sale of livestock with respect to the identity of livestock and furnish bills of sale to buyers; to authorize the adoption of rules and regulations to carry out the provisions of this Act; to require livestock markets to carry fire and windstorm insurance; to prescribe a

penalty for violations including injunctive proceedings; and to repeal conflicting laws and fix a date on which said Act shall become effective.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Holley, Holmes, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—75

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Carothers and Smith (M) as co-sponsors to the bill, H. 551.

And the bill:

H. 547. To further regulate the sale of livestock at public livestock auction markets by requiring the payment of the purchase price of livestock purchased at such markets on the day of purchase, to provide acceptable methods of payment for livestock purchased at public livestock markets; to require that such payments be deposited in a custodial bank account within a specified period of time; to require the registration of persons, other than bona fide farmers, who shall purchase livestock at a public livestock market; to authorize the adoption of rules and regulations to effectuate the purpose of this Act; to provide a penalty for violations of the Act; and to repeal conflicting laws.

Was taken up.

H. 547 POSTPONED

On motion of Mr. Mitchem, the bill, H. 547, was postponed to the twenty-fourth legislative day.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Crowe and Drake:

H. R. 206. WHEREAS, Representative Hinton Mitchem has waited several weeks to get the Fresh Egg Bill passed and finally managed to do so today;

NOW, THEREFORE, BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That we do hereby congratulate Representative Hinton Mitchem as the real friend of the Farmer.

The resolution, H. R. 206, was read and referred to the Standing Committee on Rules.

Also:

By Messrs. Robertson, Smith (C), Turnham, Crawford, Williams, Carothers, Owens and Jackson (F):

H. J. R. 207. NAMING THE PEACH PIE AS THE OFFICIAL DESSERT OF THE STATE OF ALABAMA.

WHEREAS the Peach Industry is a large industry in Alabama and one from which many Alabamians derive their incomes; and

WHEREAS the peach is a delicious fruit which has long been a favorite among Alabamians; and

WHEREAS the peach pie is a number 1 dessert in many households throughout the State; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we designate the peach pie as the official dessert of the State of Alabama.

On motion of Mr. Robertson, the rules were suspended and the resolution, H. J. R. 207, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 47. To amend the Title and Sections 1 and 2 of Act No. 2228, S. 134, 1971 Regular Session (Acts of 1971, p. 3585), entitled, "An Act To provide additional alternative procedures whereby incorporated municipalities with populations of two thousand (2000) or more may alter their corporate limits to incorporate into their boundaries certain contiguous unincorporated territory," so as to make the Act apply to all municipalities.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 3.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Boles, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Gregg, Hall, Harris, Holley, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kinsey, LeFlore, Lewis, Lutz, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Warren, White and Williams.

—61

Nays: Messrs. Harrison, Leonard and McCluskey.

—3

And the bill:

H. 218. To authorize the governing body of any county or the governing body of any municipality within the county to establish within the county or within the municipality ambulance service on a non-profit basis; to authorize the county to unite with any municipality within the county or two or more municipalities within the county, to unite with each other or together with the county, in the establishment of such ambulance service, making such service common for the use of the county or participating municipality or municipalities, and to authorize

the providing of such service by contract; to authorize appropriations of public funds for such service by the county or any municipality; to authorize the charging of limited fees for such ambulance service; and to exempt such county and any municipality from tort liability while operating ambulances or providing ambulance service as authorized herein.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Holley, Holmes, Howard, Jackson (F), Johnstone, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—71

And the bill:

H. 284. To require the County Commission or like governing body of each of the several counties to make an annual publication on or before the 30th day of October of each year in a newspaper published in the county of an itemized report showing receipts, expenditures and financial condition of the county on a form to be prescribed by the Chief Examiner of Public Accounts of the State of Alabama and to repeal Sections 22, 23 and 24, of Title 12, Code of Alabama 1940, and to repeal all other conflicting laws local or general.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Drake, Edwards, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Plaster, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—68

And the bill:

H. 342. (With Substitute): To adopt minimum standard building codes for the State of Alabama; to provide for the revision of these codes; to allow local modification of these codes; to authorize local governing bodies to enforce these codes; and to authorize the prescription and collection of the fees necessary to effect the enforcement of these codes, providing penalties for the violation of this act.

Was taken up.

The question was then on the adoption of the substitute reported by

the Standing Committee on Local Government, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To adopt minimum standard building codes for the State of Alabama; to provide for the revision of these codes; to allow local modification of these codes; to authorize local governing bodies to enforce these codes; and to authorize the prescription and collection of the fees necessary to effect the enforcement of these codes, providing penalties for the violation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. For the further protection of the health and safety of the people of Alabama, and to promote uniformity in building regulations, the State hereby adopts the following minimum building codes, which shall apply statewide to the design, construction, repair, use and alteration of all buildings:

Southern Standard Building Code (1973 Edition) with 1975 revision

Southern Standard Plumbing Code (1971 Edition) with 1974 revision

Southern Standard Gas Code (1973 Edition) with 1974 revision

Southern Standard Mechanical Code (1973 Edition) with 1975 revision

National Electrical Code (1975 Edition)

Section 2. The following exceptions may be excluded by local governing bodies from the provisions of these minimum building codes:

1. One and two family dwellings and out buildings in connection therewith.

2. Farm buildings.

Nothing in these minimum building codes shall apply to any building or project authorized or licensed by the Nuclear Regulatory Commission, the Federal Power Commission, the Federal Communications Commission, or the Alabama Public Service Commission. Local governing bodies may modify these minimum codes for application within their area of jurisdiction by adopting provisions more stringent than the codes set forth above.

Section 3. The Technical Staff of the State Building Commission is hereby authorized and directed to review more recent editions or amendments of the named codes, which shall become effective three months after their publication unless rejected by the State Building Commission.

Section 4. Local governing bodies are authorized to adopt rules and regulations pursuant to the administration and enforcement of the named codes and to establish agencies or departments which shall have the authority for and responsibility of enforcing provisions of this act.

"Local governing bodies" is defined as all county governments, and all incorporated municipalities of 2500 or more population. Incorporated municipalities of less than 2500 population may adopt or not adopt the terms of this act as they choose. The area of jurisdiction of the county shall be all of the area of the county excluding that within the jurisdiction of a municipality which has established its own code enforcement agency.

Two or more local governing bodies may join together for the creation of a single agency for the purpose of administering and enforcing provisions of this act.

Section 5. Local governing bodies having established an enforcement program may prescribe and exact fees and charges to be paid.

All permit and inspection fees collected pursuant to this act shall be paid into the treasury of the local governing bodies prescribing them.

Section 6. This act shall not apply where the total cost of the construction, enlargement of, addition to or moving of such building or structure is less than \$1000.

Section 7. Any person violating any of the provisions of this act or failing to comply to any of the provisions of this act after ten days written notice of an enforcement agency shall be guilty of a misdemeanor punishable by a fine or not more than five hundred dollars or thirty days in jail, or both, and a penalty of fifty dollars per day during the continuance of the violation.

Section 8. This act shall not be construed to impair or limit in any way the power of local governing bodies to enjoin or abate public nuisances within their jurisdiction.

Section 9. Nothing in this act shall be construed as abrogating or otherwise affecting the power of any state department or agency to promulgate regulations, make inspections, or approve plans in accordance with any other applicable provisions of law not in conflict with the provisions herein.

Section 10. This act shall be liberally construed as being additional authority of local governing bodies to adopt ordinances relating to the establishment and enforcement of minimum standards for buildings, dwellings, and the structures of all types and descriptions used for human habitation and occupancy. The authority conferred on local governing bodies by this act is cumulative to and in addition to other existing legal authority. Nevertheless, all laws which conflict herewith are repealed.

Section 11. Mobile Homes, as defined in Act No. 1938, H. 262, Regular Session 1971 and Factory-Built Housing, as defined in Act No. 2059, H. 862, Regular Session 1971 are specifically excluded from the provisions of this act. Further that Hospitals defined in Title 22, Article 6, Code of Alabama 1940 Section 204 (42) (b), are specifically excluded from the provisions of this act.

Section 12. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law; however, no person shall be guilty of violating any provision hereof as authorized in this act until the first day of the third month beginning after this act becomes law.

And the substitute was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Carothers, Carter, Coburn, Crawford, Cross, Dial, Drake, Edwards,

Folmar, Goodwin, Gregg, Hall, Higginbotham, Holley, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McMillan, McNees, Malone, Manly, Martin, Merrill, Mitchem, Moore (O), Naramore, Plaster, Rich, Roberts, Robertson, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Teague, Venable, Weeks, Williams and Wyatt.

—58

Mr. Hill offered the following amendment to the bill, H. 342 as amended:

Amend Substitute for H. B. 342 by deleting line 34, page 1 in its entirety and insert in lieu thereof the following: At the option of the local governing bodies these minimum building codes may not apply to any building or project within their jurisdictions author—and, delete lines 23 and 24 of Section 6, page 2, in its entirety and insert in lieu thereof the following:

Section 6. At the option of the local governing bodies this act may not apply where the total cost of the construction, enlargement of, addition to or moving of such building or structure within their jurisdictions is less than \$1000. And, delete line 8, page 3, in its entirety and insert in lieu thereof the following: may be excluded from the provisions of this act at the option of the local governing body. Further that Hospitals

And the amendment was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Drake, Folmar, Goodwin, Gregg, Hall, Harris, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Naramore, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Venable, Waggoner, Weeks, Williams and Wyatt.

—58

And the bill, H. 342 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 31.

Yeas:

Messrs.: Andrews, Barron, Callahan, Carothers, Carter, Coburn, Cross, Falkenburg, Folmar, Goodwin, Gregg, Hall, Harrison, Hill, Hilliard, Holmes, Kennedy, Killian, Leonard, Lutz, McCulley, McMillan, McNair, Malone, Martin, Mitchem, Naramore, Rich, Riddick, Roberts, Sandusky, Smith (B), Sonnier, Starkey, Taylor, Tucker, Venable, Warren, Whatley and Wyatt.

—40

Nays:

Mr. Speaker, Albright, Biddle, Campbell, Cates, Clark, Crawford, Drake, Edwards, Gafford, Higginbotham, Holley, Howard, Johnson, Kinsey, Lee, Lewis, Lockett, McNees, Merrill, Moore (O), Moore (W), Morris, Owens, Plaster, Sasser, Smith (C), Teague, Weeks, White and Williams.

—31

And the bill:

H. 423. To amend further Act No. 421, H. 627 of the Regular Session of 1959 (Acts 1959, p. 1113) as amended, which authorizes the district attorney of the Fifth Judicial Circuit to appoint a stenographic secretary, so as to adjust the compensation of such secretary.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Callahan, Campbell, Carter, Cates, Crawford, Cross, Crowe, Dial, Drake, Folmar, Gafford, Greer, Harris, Higginbotham, Hill, Hilliard, Jackson (F), Jolly, Kelley, Kennedy, Kinsey, Lewis, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Warren, Weeks, Whatley, White and Wyatt.

—56

Nays: Messrs. Biddle and Holley.

—2

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 240. To require state officials and certain state employees to file financial disclosure statements; to prescribe the procedure for filing such statements; to allow inspection of such financial statements; and to prescribe the duties of the Clerk of the House, the Secretary of the Senate and the Secretary of State under the provisions of this Act; to repeal the state ethics law, viz. Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, p. 1699, now appearing in Code of Alabama 1940, Recompiled 1958, Title 55, Section 327 (S) - 327 (39).

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Mr. Manley offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 240, said Senate amendment being as follows:

Amend Section 16A by deleting the last sentence thereof.

Amend House Bill No. 249 as substituted Page 21 Line 29, by striking out Section 31 in its entirety and substituting in lieu thereof the following: "Section 31. This Act shall be construed in *pari materia* with other laws dealing with the subject matter hereof, and repeals all laws and parts of laws in conflict herewith."

A BILL TO BE ENTITLED AN ACT

To amend and re-enact Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, pg. 1699); entitled, An Act to establish a state ethics commission and to provide a state ethics law, which: requires disclosures of

certain economic interests and certain family connections to be filed by state officials and certain state employees and by persons having certain business dealings with the state or its agencies or instrumentalities, proscribes certain practices by state officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this Act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by county and municipal officials needed to safeguard the public trust in such governmental units, so as to amend the title and certain sections; to eliminate section 14; and to renumber certain sections.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, pg. 1699) is hereby amended and re-enacted to read as follows:

"AN ACT

"To establish a state ethics commission and to provide a state ethics law, which: Requires disclosures of certain economic interests and certain family connections to be filed by candidates for public offices, public officials and employees, and by persons having certain business dealings with the state, a county or municipality or its agencies or instrumentalities; proscribes certain practices by public officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by public officials and employees needed to safeguard the public trust in such governmental units.

"Be It Enacted by the Legislature of Alabama:

"SECTION 1.

"(a) It is essential to the proper operation of democratic government that public officials be independent and impartial; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for private gain other than the remuneration provided by law; and that there by public confidence in the integrity of government. The attainment of one or more of these ends is impaired whenever there exists a conflict between the private interests of an elected official or a government employee and his duties as such. The public interest, herefore, requires that the law protect against such conflicts of interest and establish appropriate ethical standards with respect to the conduct of elected officials and government employees in situations where conflicts exist.

"(b) It is also essential to the proper operation of government that those best qualified be encouraged to serve the government. Accordingly, legal safeguards against conflicts of interest must be so designed as not unnecessarily or unreasonably to impede the recruitment and retention by the government of those men and women who are best qualified to serve it. An essential principle underlying the staffing of our government structure is that its elected officials and employees

should not be denied the opportunity, available to all other citizens, to acquire and retain private economic and other interests, except where conflicts with the responsibility of such elected officials and employees to the public cannot be avoided.

"(c) Also, the legislature hereby declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to individual members of the legislature, to committees of the legislature, and to officials of the executive branch, their opinions on legislation, on pending executive actions and on current issues; and that, to preserve and maintain the integrity of the legislative and administrative processes, it is necessary that the identity, expenditures and activities of certain persons who engage in efforts to persuade members of the legislature or the executive branch to take specific actions, either by direct communication to such officials, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. The provisions of this Act shall be liberally construed to promote complete disclosure of all such information and so as to assure that the public interest will be fully protected.

"(d) It is the policy and purpose of this Act to implement these objectives of protecting the integrity of all governmental units of this state and of facilitating the recruitment and retention of qualified personnel by prescribing essential restrictions against conflicts of interest in state government without creating unnecessary barriers to the public service.

"SECTION 2. Whenever used in this Act, the following words and terms shall have the following respective meanings unless the context clearly indicates otherwise:

"(a) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, and any other legal entity.

"(b) "Business with which he is associated" means any business of which the person or a member of his family, is an officer, owner, partner, employee or holder of more than 10% of the fair market value of such business.

"(c) "Candidate for public office" means any person who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official, and any person who has been nominated for appointment to serve as a public official.

"(d) "Commission" means the State Ethics Commission.

"(e) "Legislative employee" means any person employed by the legislature or by any of its committees and any person employed by a legislator from funds provided by the state, who receives compensation of \$12,000 or more per year.

"(f) "Lobbying" means the practice of promoting or opposing the introduction or enactment of legislation before the Legislature or the legislative committees or the members thereof, and shall also include the practice of promoting or opposing executive approval of legislation.

"(g) "Lobbyist" means all persons who seek to encourage the passage, defeat, or modification of any legislation, except members of the Alabama Legislature or any person who, on an isolated basis and without the intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees of the Legislature in his individual capacity, or on behalf of a corporation,

partnership, association or other business entity, with which such person is regularly associated as an employee, officer, member or partner without receiving additional salary or compensation other than reasonable and ordinary travel expenses, to express support of or opposition to any legislation, and who shall so declare to a member, members or committee of the legislature with whom he discusses any proposed legislation.

"(h) 'Reporting Year' means the reporting official's or employee's fiscal tax year as it applies to his United States Income Tax Return(s).

"(i) 'Public Employee' means any employee of state, county or municipal governments who has administrative and discretionary authority for the receipt or expenditures of public funds or who earns in excess of \$15,000 annually but shall not include those persons who are primarily engaged in teaching duties in all schools, colleges, and universities in the State.

"(j) 'Public Employee's Family' means the employee's spouse and dependents.

"(k) 'Public Official' means any elected official at the state, county, or municipal level of government and any person appointed under state, county, or municipal law to an office where in the conduct of such office such person has administrative and discretionary authority for the receipt or expenditure of public funds. This definition shall also include members of state boards, commissions, committees, councils and authorities, however selected, Presidents, Vice-Presidents, Chief Purchasing Officials and Chief Financial Officials of all schools, colleges and universities of the State; members of city and county industrial boards, planning and zoning boards, schools boards, boards of adjustment, utility boards, housing boards, public hospital boards, and any boards, commissions, committees, authorities or councils having jurisdiction with respect thereto, in all cities whose population is more than 15,000 according to the last decennial census. This definition excludes members of all other boards not named including but not limited to those commissions, committees, councils, boards of authorities, functioning solely for cultural or historical purposes and advisory board members and members of boards of trustees of institutions of higher learning of the State of Alabama.

"(l) 'Public Official's Family' means the official's spouse and dependents.

"SECTION 3.

"(a) No public official or employee shall use an official position or office to obtain direct personal financial gain for himself, or his family, or any business with which he or a member of his family is associated unless such use and gain are specifically authorized by law.

"(b) Unless prohibited by the Alabama Constitution, nothing herein shall be construed to prohibit a legislator from introducing bills and resolutions, serving on committees or from making statements or taking action in the exercise of his legislative duties.

"SECTION 4. No person shall offer to or give to a public official or employee or his family, and none of the aforementioned shall solicit or receive anything of value, including a gift, favor or service or a promise of future employment, based on any understanding that the vote, official actions, decisions, or judgment of the intended recipient or family mem-

ber would be influenced thereby. Expenses associated with social occasions afforded public officials and employees shall not be deemed a thing of value within the meaning of this section or prohibited hereby.

"SECTION 5. No public official or employee or his family shall solicit or receive any money in addition to that received by the official or employee in his official capacity for advice or assistance on matters concerning the legislature, an executive department, or any public regulatory board, commission or other body. No public official or employee or business with which he is associated shall receive any fee, salary, wages or other compensation for services provided to the State or any of its agencies or to any County, or City or instrumentalities thereof unless a disclosure statement provided for this section shall be filed with the Commission by the person rendering the services. The statement shall include the following information: (1) the name of the employer (2) the amount of the compensation received for the employment and (3) the date of employment.

"SECTION 6. No public official or employee shall use or disclose confidential information gained in the course of or by reason of his position or employee in any way that could result in financial gain other than his regular salary as such state officer for himself, his family, or for any other person.

"SECTION 7. Unless expressly provided otherwise by law no person shall serve as a member or employee of a state, county or city regulatory board or commission or other body that regulates any business with which he is associated.

"SECTION 8. If a public official or employee, or member of his family, or a business with which any of them is associated, shall for a fee represent a client or constituent before any quasi-judicial board or commission, governmental regulatory agency or executive department or agency, notice of such representation must be given within five days after the first day of such appearance to the State Ethics Commission in the manner prescribed by the commission. Provided, that no member of the Legislature shall for a fee, reward or other compensation represent any person, firm or corporation before the Public Service Commission or the State Board of Adjustment.

"SECTION 9. (a) Unless exempted under Alabama Competitive bid laws or otherwise permitted to do so under law, no public official or employee, or a member of his family, and no business with which any of them is associated shall enter into any contract to provide goods or services which is to be paid in whole or in part out of state, county or municipal funds unless the contract has been awarded through a process of public notice and competitive bidding and a copy of such contract is filed with the commission. Provided, however, all such contract awards shall be made as a result of original bid takings and no awards from negotiations after bidding shall be allowed. A copy of each contract regardless of the amount, entered into by a public official, employee, family member, and any business with which any of them is associated, shall be filed with the State Ethics Commission.

"SECTION 10. No person shall offer or give to a member or employee of a governmental agency, board or commission that regulates a business with which such person is associated, and no member or employee of a governmental regulatory agency, board or commission shall solicit or accept from any such person anything of value including a promise of future employment or a favor or service while the member or employee is associated with the regulatory agency, board or commis-

sion. However, expenses associated with social entertainment afforded members and employees, shall not be deemed a thing of value within the meaning of this section.

"SECTION 11. No former state official or employee shall serve for a fee as a lobbyist or represent clients before the body of which he is a former member or employee for a period of three years after he leaves such membership or employment, unless notice of such representation is given within five days after such appearance to the State Ethics Commission in the manner prescribed by the commission; furthermore, no former public official or employee shall enter into a contract with any governmental agencies unless within five days of entering into said contract notice is filed with the commission of his previous status as a public official or employee and a copy of the contract provided.

"SECTION 12.

"(a) No person elected or employed to serve as a public official or employee shall be allowed to take the oath of office or enter upon his duties unless he has previously filed a statement of economic interests in accordance with the provisions of this Act at the office of the State Ethics Commission. Such statement shall be made on a form provided by the commission and shall contain the following information on the person making such filing:

"1. Name, residential address, business; name and address of living spouse, minor and dependent children, adult children, parents, brothers, and sisters, and to the best of his knowledge the principal occupation of each of these persons.

"2. A list of occupation(s) to which one-third or more of working time was given during previous reporting year by the filing official or employee and spouse;

"3. A listing of total combined family income of the public official or employee during the most recent reporting year as to income from salaries, fees, dividends, profits, commissions, and other compensation from any business doing business in Alabama and listing the names of each business and the income derived from such business in the following categorical amounts: less than \$1,000; at least \$1,000 and less than \$10,000; \$10,000 or more. Further, the person reporting shall name any business or subsidiary thereof in which he or his spouse or dependents, jointly or severally, own one-tenth or more of the stock or in which he or his spouse serves as an officer, director, trustee, or consultant where such service provides income of more than \$1,000 for the reporting period;

"4. If the filing public official or employee, or his spouse, has engaged in a business during the last reporting year which provides legal, accounting, medical, or health related, real estate, banking, insurance, educational, farming, engineering, architectural management, or other professional services or consultations, then the filing party shall report the number of clients of such business in each of the following categories and the income in categorical amounts received during the reporting period from the combined number of clients in each category: electric utilities, gas utilities, telephone utilities, water utilities, cable television companies, intrastate transportation companies, pipe line companies, oil and/or gas exploration companies, oil and gas retail companies, banks, savings and loan associations, loan and/or finance companies, manufacturing firms, mining companies, life insurance companies, casualty insurance companies, other insurance companies, retail companies, beer, wine and/or liquor companies or distributors, trade associations, professional associations, governmental associations, associations of public

employees or public officials, counties and any other businesses or associations that the commission may deem appropriate. Amounts received from combined clients in each category shall be reported as: less than \$1,000; more than \$1,000 but less than \$10,000; \$10,000 or above;

"5. If retainers are in existence or contracted for in any of the above categories of clients, a listing of the categories along with the anticipated income to be expected annually from each category of clients shall be shown in the following amounts: less than \$1,250; \$1,250 or more;

"6. If real estate that is held for investment or is revenue producing is held by a public official, his spouse or dependents, then a listing thereof by the following categories of fair market value: under \$50,000; at least \$50,000 but less than \$250,000; \$250,000 or more; and the following categories of annual gross rent and lease income on real estate: less than \$10,000; at least \$10,000; at least \$10,000 and less than \$50,000; \$50,000 or more. Furthermore, if a public official or a business in which he is associated receives rent or lease income from any governmental agency in Alabama, specific details of the lease or rent agreement shall be filed with the commission;

"7. A listing of indebtedness to businesses operating in Alabama showing types and number of each as follows: banks, savings and loan associations, insurance companies, mortgage firms, and stock brokers (The commission shall add additional categories as it deems necessary); and the indebtedness to combined organizations in each category in amounts as follows: less than \$25,000; \$25,000 but less than \$50,000; \$50,000 but less than \$100,000; \$100,000 or more. Indebtedness associated with the homestead of the person filing is exempted from this disclosure requirement. Filing required by subsections of this section shall reflect information and facts in existence at the end of the reporting year. In the event that said information required herein is not filed as required the commission shall notify the public official or employee concerned as to his failure to so file and the public official shall have 10 days to file said report after receipt of said notification.

"(b) After the original filing of the above prescribed statement(s) each person shall make additional subsequent filing within 90 days after the termination of each succeeding reporting year. Filings required by subsections 5, 6 and 7 of this section shall reflect information and facts in existence at the end of the reporting year.

SECTION 13. Within 10 days after he becomes a candidate for state office, each candidate shall file a statement of economic interests as prescribed by the commission and in keeping with this Act at the office of the State Ethics Commission.

"(a) Each official who receives a declaration of candidacy or petition to appear on the ballot for election as a state official and each official who nominates a person to serve as a state official shall, within five days of such receipt or nomination, notify the State Ethics Commission of the name of each new candidate for state office as defined in this Act, and the date on which such person became a candidate.

"(b) The State Ethics Commission shall notify such official and, in the case of candidates for appointive office, the clerk or secretary of the body that will approve or disapprove the nomination, of the name of each candidate who files a statement of economic interests at the office of the commission and of the date on which such statement was filed.

"(c) Other provisions of the law notwithstanding, if a candidate for elective public office does not submit a statement of economic inter-

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ests in accordance with the requirements of this Act within ten days after he becomes a candidate, his name shall not appear on the ballot. However, the State Ethics Commission may in its discretion allow the candidate an additional five days to file such statement of economic interests because of mistake, omission, error or other good cause.

“(d) If a person who becomes a candidate for appointive public office by nomination fails to file a statement of economic interests in accordance with the provisions of this Act within ten days after such nomination, the nomination shall not be approved or ratified until at least ten days after he has filed such statement of economic interests.

SECTION 14.

“(a) When any citizen of the State or business with which he is associated represents for a fee any person before a state regulatory agency or commission or department of the executive branch, he shall report to the State Ethics Commission the name of any adult child, parent, spouse, brother or sister who is an official or an employee of that state regulatory agency or commission or department of the executive branch.

“(b) When any citizen of the State or business with which he is associated enters into a contract for the sale of goods or services to the State of Alabama or any of its agencies in amounts exceeding \$1,000, he shall report to the State Ethics Commission the names of any adult child, parent, spouse, brother or sister who is an official or employee of the agency or department with whom the contract is made. However, this section shall not apply to any contract for the sale of goods or services awarded through a process of public notice and competitive bidding.

“(c) Each regulatory agency, commission or department of the executive branch or any agency of the State of Alabama shall be responsible for notifying citizens affected by this act of the requirements of this provision.

SECTION 15.

“(a) Every governmental agency head shall file reports with the commission on any matters that come to his attention which may constitute a violation of this Act.

“(b) Governmental agency heads shall cooperate in every possible manner in connection with any investigation or hearing, public or private, which may be conducted by the commission.

“(c) The commission shall prepare and publish, prior to the implementation of this Act, procedures for review or appeal of any action taken against or in regard to any person covered in this Act.

SECTION 16.

“(a) There is hereby created a State Ethics Commission which shall be composed of five members, each of whom shall be a fair, equitable citizen of this state and of high moral character. No member of the commission shall be eligible for appointment to succeed himself. The members of such commission shall be appointed by the following officers: the Governor, the Lieutenant-Governor, and the Speaker of the House of Representatives and shall assume their duties upon confirmation by the Senate. The members of the first commission shall be appointed for terms of office expiring one, two, three, four and five years, respectively, from September 1, 1975. Successors to the members of this first commission shall each be appointed for terms of five years and

until their successors are appointed and have qualified. If at any time there should be a vacancy on the commission, a successor member to serve for the unexpired term applicable to such vacancy shall be appointed by the Governor. The commission shall elect one member to serve as chairman of the commission and one member to serve as vice chairman. The vice chairman shall act as chairman in the absence or disability of the chairman or in the event of a vacancy in that office. As soon as all the members of the board have been appointed the Governor shall call and provide for the holding of an organizational meeting of the commission. Such meeting shall be set for not less than forty-five days nor more than sixty days after September 1, 1975.

"(b) A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission and three members thereof shall constitute a quorum.

"(c) The commission shall at the close of each fiscal year report to the legislature and the Governor concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the monies it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

"(d) Members of the commission shall, while serving on the business of the commission, be entitled to receive compensation at the rate of \$50 per day, and each such member shall be paid the actual and necessary expenses incurred in the performance of his duties as a member of the commission when approved by the chairman thereof.

"(e) All members, officers, agents, attorneys, and employees of the commission shall be subject to the provisions of this Act and also to the provisions of law prohibiting political activities by state employees.

"(f) The commission shall appoint an Executive Director and such other staff as is needed. All such appointees shall serve at the pleasure of the commission. All such employees, except for the Executive Director, shall be employed subject to the provisions of the state merit system law, and their compensation shall be prescribed pursuant to such law. The compensation of the Executive Director shall be fixed by the Commission, but shall not exceed \$25,000 per year. The Executive Director shall be responsible for the administrative operations of the commission and shall perform such other duties as may be delegated or assigned to him from time to time by regulation or order of the commission. However, the commission shall not delegate the making of regulations to the Executive Director. The commission may require the Executive Director to draft regulations but no regulation shall be implemented by the Executive Director until adopted by the commission members.

"(g) The commission is hereby authorized, when in its discretion the ends of justice will be thereby served, to waive any rule or regulation presented relative to any disclosure statement, provided such waiver is done in writing stating the reason why and made a part of the public record.

"(h) No person heretofore appointed to the Ethics Commission pursuant to Act No. 1056, S-1, Regular Session of 1973 shall be eligible for appointment or membership of the commission after the effective date of this act.

SECTION 17. It shall be the duty of the commission:

"(a) To prescribe forms for statements required to be filed by this

Act, and to furnish such forms to persons required to file such statements;

"(b) To prepare and publish a manual setting forth recommended uniform methods of reporting for use by persons required to file statements required by this Act;

"(c) To accept and file any information voluntarily supplied that exceeds the requirements of this Act;

"(d) To develop a filing, coding, and cross-indexing system consonant with the purposes of this Act;

"(e) To make reports and statements filed with it available at reasonable hours to responsible public inquiry subject to such regulations as the commission may prescribe including, but not limited to regulations requiring identification by name, occupation, address and telephone number of each such person examining information on file with the commission. However, no copies of reports and statements will be removed from the office of the State Ethics commission.

"(f) To preserve such reports and statements for a period of six years from date of receipt;

"(g) To make investigations with respect to statements filed under the provisions of this Act, and with respect to alleged failures to file any statement required under the provisions of this Act and, upon complaint by any individual with respect to alleged violation of any part of this Act; and whenever in its opinion a thorough audit of any person or any business should be made in order to determine whether this Act has been violated, the commission shall direct the Examiner of Public Accounts to have such audit made and a report thereof filed with the commission. The Examiner of Public Accounts shall upon receipt of such directive immediately comply therewith;

"(h) To report suspected violations of law to the appropriate law enforcement authorities;

"(i) To issue, upon request and publish advisory opinions on the requirements of this Act, based on a real or hypothetical set of circumstances. The written opinion of the State Ethics Commission provided to anyone shall protect such person to whom it is directed from liability to either the state, county, or municipal sub-division of the state because of any official action or actions performed as directed or advised in such opinion.

"(ii) To initiate and continue programs for the purpose of educating candidates, officials, employees and citizens of Alabama on matters of ethics in government service.

"(j) To prescribe, publish and enforce rules and regulations to carry out the provisions of this Act. No such rules and regulations, however, shall be adopted until notice thereof is given by publication at least thirty days prior to the date set for adoption thereof and an opportunity afforded to the public to appear and contest such rules and regulations. The commission is authorized only to make rules and regulations on the subject matter specifically mentioned in this Act.

"(k) After the commission has been organized pursuant to this Act and has prescribed the rules and regulations and adopted and promulgated such rules and regulations, it shall give notice for sixty days prior thereto of the day on which such rules and regulations shall become effective throughout this state and other provisions of this Act shall be thereby implemented.

"(1) No member nor employees of said commission shall make any public statement or give out any information concerning any complaint against any individual until the investigation of said complaint is completed and the commission has taken final action as to the disposition of said complaint. Any member or employee of said commission who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction be sentenced to the county jail for one year or be fined up to \$1,000, or both.

"(m) In all matters that come before the commission concerning a complaint on an individual the laws of due process shall be strictly adhered to.

SECTION 18.

"(a) Every person employed or retained as a lobbyist shall register by filing a form prescribed by the commission within five (5) days after the first undertaking requiring registration.

"(b) The registration shall be written, verified, and shall contain, but not be limited to, the following information:

"(1) the registrant's full name and address;

"(2) the registrant's normal business and business address;

"(3) the full name and address of the registrant's principal;

"(4) a listing of the categories of subject matters on which the registrant is to communicate directly with a member of the legislative or executive branch to influence legislation or executive action;

"(5) if a registrant's activities are done on behalf of the members of a group other than a corporation, the registration form shall include a categorical disclosure of the number of members of the group as follows: 1-5; 6-10; 11-25; over 25;

"(6) a statement signed by the principal(s) that he has or they have read the registration, knows its contents, and has authorized the registrant to be a lobbyist in his or their behalf as specified therein and that no compensation will be paid to the registrant contingent upon passage or defeat of such measure(s).

"(c) A registrant shall file a supplemental registration indicating any substantial change in the information contained in the prior registration within 10 days after the date of the change.

SECTION 19. Every person registered under Section 18 of this Act and every principal employing such lobbyist shall file with the commission a sworn statement concerning the activities set out in said section. The report must be filed between the 1st and 15th day of each month succeeding a month in which the legislature is in session covering the activities during the previous month. The report shall be written, verified, and contain, but not be limited to, the following information:

"(1) All amounts received or expended directly or indirectly for the purpose of carrying on lobbying activities in the following categories: Less than \$1,000; \$1,000-\$3,000; more than \$3,000; but need not include amounts received by such lobbyist for his personal living expenses nor amounts received which are reportable as income to him for federal tax purposes unless his contract of employment provides that amounts received for such expenses or as such income may or shall be used for carrying on lobbying activities;

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"(2) A detailed statement of any money loaned or promised to legislators or to anyone on their behalf;

"(3) A statement detailing the extent of any direct business association or partnership with any current member of the legislature or public official or employee;

"(4) A list of legislation by category supported or opposed by the registrant, by any person retained or employed by the registrant to appear on his behalf, or by any other person appearing on his behalf.

"SECTION 20.

"(a) A person who ceases to engage in activities requiring him to register under Section 18 of this Act shall file a written, verified statement with the commission acknowledging the termination of activities. The notice is effective immediately.

"(b) A person who files a notice of termination under this section must file the reports required under Sections 18 and 19 of this Act for any reporting period during which he was registered under this Act.

"SECTION 21. All reports filed under Sections 18, 19 and 20 of this Act are public records and shall be made available for public inspection during regular business hours.

"SECTION 22. No person, for the purpose of influencing legislation, may

"(1) knowingly or willfully make any false statement or misrepresentation of the facts to a member of the legislative or executive branch; or

"(2) knowing a document to contain a false statement, cause a copy of the document to be received by a member of the legislative or executive branch without notifying such member in writing of the truth.

"SECTION 23. The provisions of Section 18, 19, 20, 21 and 22 shall not be construed as affecting professional services in drafting bills or in advising clients and in rendering opinions as to the construction and effect of proposed or pending legislation where such professional service is not otherwise connected with legislative action.

"SECTION 24. Nothing in the provisions of this Act shall be construed as to deprive any citizen not lobbying for hire of his constitutional right to communicate with members of the Legislature.

"SECTION 25.

"(a) Any person who violates any provision of this Act and is found guilty shall be fined not more than \$10,000 or be imprisoned for not more than 10 years or both.

"(b) All prosecutions for violations of this Act shall be initiated and prosecuted by the attorney general of the state or by the district attorney having jurisdiction of the offense.

"(c) The penalties prescribed in this Act do not limit the power of either house of the legislature to discipline its own members or to impeach public officials, and do not limit the powers of agencies or commissions to discipline their respective officials or employees.

"(d) The circuit courts of this state shall have jurisdiction of all cases and actions relative to violations or the enforcement of this Act; and the venue of any suit or action under this Act shall be in the county of the residence of the defendant.

"(e) Nothing in this Act is intended to, nor is to be construed as repealing in any way the provisions of any of the criminal laws of this state.

"SECTION 26. Any person who knowingly and intentionally files a false complaint with the commission, or any member of the commission who initiates action against any state official, state employee, or any other person covered by this Act, knowing such complaint to be false or inaccurate shall be guilty of the crime of malicious prosecution.

"Whoever is convicted in a court of competent jurisdiction of the crime of malicious prosecution, in addition to any other punishment prescribed by law therefor, shall also be required by court decree to reimburse the person against whom the false complaint was filed for all of his legal expenses and any other expenses incurred in relation to the accused defending himself against the false complaint. If such complaint is filed within 6 months prior to an election in which the accused's name appears on the ballot, the person filing the false complaint shall pay to the accused the amount set out above, plus an equal amount to the general fund of the state.

"If any person, accused of violating this Article is acquitted upon trial, then such person may, in the discretion of the court or jury, recover in an action at law from the person who brought the charge against him a sum equal to three times the damages thereby caused.

"SECTION 27. No former member of the House of Representatives or the Senate of the State of Alabama shall be extended floor privileges of either body in a lobbying capacity.

"SECTION 28. The Legislature shall appropriate such sums as it deems necessary to implement the provisions of this Act.

"SECTION 29. Any citizen wishing to file a complaint against any public official or employee covered by this Act shall initially file said complaint with the Commission. If the Commission does not take proper action within forty-five days, then the said citizen may file the said complaint with the Attorney General or other officers authorized to enforce this Act.

"SECTION 30. The provisions of this Act are severable. If any part thereof is declared unconstitutional, such declaration shall not affect the part which remains.

"SECTION 31. The provisions of this Act are supplemental. It shall be construed in pari materia with other laws dealing with the subject matter hereof.

"SECTION 32. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE MOTION TO POSTPONE TABLED

On motion of Mr. Manley, the substitute motion offered by Mr. Lutz to postpone consideration of the Senate amendment to the bill, H. 240, to the twentieth legislative day was tabled.

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Yeas 45; Nays 42.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Carter, Clark, Coburn, Crowe, Drake, Falkenburg, Gafford, Goodwin, Greer, Higginbotham, Hilliard, Holley, Holmes, Jackson (F), Johnson, Johnstone, Kennedy, Killian, Kinsey, Lee, McCluskey, McCulley, Malone, Manley, Merrill, Mitchem, Morris, Owens, Reed, Sandusky, Sasser, Smith (C), Sonnier, Tucker, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—45

Nays:

Messrs. Albright, Andrews, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Crawford, Cross, Dial, Edwards, Folmar, Hall, Harrison, Hill, Howard, Jolly, Kelley, Leonard, Lewis, Lutz, McMillan, McNair, McNees, Martin, Moore (O), Moore (W), Naramore, Plaster, Porter, Rich, Riddick, Roberts, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Teague, Trammell and Venable.

—42

MOTION TO ADJOURN LOST

The motion offered by Mr. Martin that the House adjourn until 1:00 o'clock p.m., Tuesday, August 5, 1975, was lost.

Yeas 28; Nays 58.

Yeas:

Messrs. Albright, Barron, Brindley, Cates, Cross, Edwards, Harrison, Hilliard, Howard, Jolly, Kelley, Kennedy, LeFlore, Leonard, Lewis, Lutz, McNair, McNees, Martin, Naramore, Porter, Riddick, Roberts, Smith (B), Smith (J), Starkey, Trammell and Waggoner.

—28

Nays:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Carothers, Carter, Clark, Coburn, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Jackson (F), Johnson, Johnstone, Killian, Kinsey, Lee, McCluskey, McCulley, McMillan, Malone, Manley, Merrill, Mitchem, Moore (O), Morris, Owens, Plaster, Rich, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Teague, Tucker, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—58

MOTION TO RECESS LOST

The motion offered by Mr. Rich that the House recess for one hour was lost.

H. 240 RESUMED

The question was then on the motion previously offered by Mr. Manley that the House concur in and adopt the Senate amendment to the bill, H. 240.

SUBSTITUTE MOTION OFFERED

Mr. Carothers offered the substitute motion that the House non-concur in the Senate amendment to the bill, H. 240, and request a Committee on Conference.

SUBSTITUTE MOTION TO SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. Lutz to the substitute motion offered by Mr. Carothers, that the bill, H. 240 with Senate amendment, be postponed to the twentieth legislative day and made First Order of Business, was lost.

Yeas 34; Nays 52.

Yeas:

Messrs. Albright, Barron, Brindley, Cates, Crawford, Cross, Dial, Edwards, Folmar, Harrison, Hill, Howard, Jackson (R), Kinsey, LeFlore, Leonard, Lewis, Lutz, McMillan, McNair, Martin, Naramore, Plaster, Porter, Riddick, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell and Williams.

—34

Nays:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Campbell, Carter, Clark, Crowe, Drake, Falkenburg, Gafford, Greer, Hall, Harris, Higginbotham, Holley, Holmes, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, McCluskey, McCulley, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (C), Sonnier, Teague, Venable, Waggoner, Warren, Weeks, White and Wyatt.

—52

MOTION TO ADJOURN LOST

The motion offered by Mr. Albright that the House adjourn until 1:00 o'clock p.m., Tuesday, August 5, 1975, was lost.

Yeas 31; Nays 52.

Yeas:

Messrs.: Albright, Barron, Cates, Crawford, Cross, Dial, Edwards, Folmar, Gregg, Harrison, Hilliard, Howard, Jackson (F), Jackson (R), Kennedy, LeFlore, Leonard, Lewis, Lutz, McNair, Martin, Naramore, Porter, Riddick, Shelton, Smith (B), Smith (M), Starkey, Taylor, Waggoner and Williams.

—31

Nays:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Campbell, Carter, Clark, Crowe, Drake, Falkenburg, Gafford, Greer, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Morris, Owens, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (C), Sonnier, Sparks, Teague, Venable, Warren, Weeks, Whatley, White and Wyatt.

—52

SUBSTITUTE MOTION LOST

The question was then on the substitute motion offered by Mr. Carothers that the House non-concur in the Senate amendment to the bill, H. 240, and request a Committee on Conference, and the substitute motion was lost.

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Yeas 19; Nays 67.

Yeas:

Messrs. Albright, Barron, Callahan, Carothers, Cates, Cross, Folmar, Harrison, Hill, Hilliard, Howard, Jackson (R), Leonard, Lewis, Martin, Naramore, Shelton, Smith (J) and Taylor.

—19

Nays:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Campbell, Carter, Clark, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Gafford, Greer, Hall, Harris, Higginbotham, Holley, Holmes, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—67

The question was then on the motion previously offered by Mr. Manley that the House concur in and adopt the Senate amendment to the bill, H. 240, and the motion was adopted.

Yeas 61; Nays 29.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Campbell, Carter, Clark, Crowe, Dial, Drake, Edwards, Falkenburg, Gafford, Greer, Hall, Harris, Higginbotham, Holley, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, McCluskey, McCulley, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Plaster, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—61

Nays:

Messrs.: Albright, Barron, Brindley, Callahan, Carothers, Cates, Crawford, Cross, Folmar, Harrison, Hill, Hilliard, Howard, Jackson (R), Johnson, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, Martin, Naramore, Porter, Riddick, Shelton, Smith (B), Tucker and Warren.

—29

And the bill:

H. 240. To amend and re-enact Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, pg. 1699); entitled, An Act to establish a state ethics commission and to provide a state ethics law, which: requires disclosures of certain economic interests and certain family connections to be filed by state officials and certain state employees and by persons having certain business dealings with the state or its agencies or instrumentalities, proscribes certain practices by state officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this Act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and

disclosures by county and municipal officials needed to safeguard the public trust in such governmental units, so as to amend the title and certain sections; to eliminate section 14; and to renumber certain sections.

As amended by the Senate amendment, was again read at length and passed.

Yeas 65; Nays 26.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Campbell, Carothers, Carter, Cates, Clark, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Greer, Hall, Harris, Higginbotham, Holley, Holmes, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, LeFlore, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Plaster, Reed, Rich, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—65

Nays:

Messrs. Albright, Barron, Brindley, Callahan, Crawford, Cross, Harrison, Hill, Hilliard, Howard, Jackson (R), Johnson, Kinsey, Leonard, Lewis, Lockett, Lutz, McNair, Naramore, Porter, Riddick, Roberts, Shelton, Smith (B), Tucker and Warren.

—26

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 240. To amend and re-enact Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, pg. 1699); entitled, An Act to establish a state ethics commission and to provide a state ethics law, which: requires disclosures of certain economic interests and certain family connections to be filed by state officials and certain state employees and by persons having certain business dealings with the state or its agencies or instrumentalities, proscribes certain practices by state officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this Act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by county and municipal officials needed to safeguard the public trust in such governmental units, so as to amend the title and certain sections; to eliminate section 14; and to renumber certain sections.

And finds same correctly enrolled.

Tom Drake,
Chairman

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length

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having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Bill hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 5:00 P. M. On July 31, 1975.

H. 240.

JOHN W. PEMBERTON,
Clerk

ADJOURNMENT

Pursuant to the resolution, H. J. R. 203, heretofore adopted, and on motion of Mr. Folmar, the House adjourned until 1:00 o'clock p.m., Tuesday, August 5, 1975.

Yeas 47; Nays 30.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Hall, Harris, Harrison, Higginbotham, Hilliard, Howard, Jackson (F), Johnstone, Jolly, Kennedy, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McNair, McNeese, Manley, Martin, Merrill, Moore (W), Rich, Riddick, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Starkey, Taylor, Teague, Trammell, Tucker and Williams.

—47

Nays:

Messrs.: Andrews, Carothers, Carter, Clark, Crowe, Gafford, Holley, Jackson (R), Johnson, Killian, Kinsey, McCluskey, McCulley, McMillan, Malone, Mitchem, Moore (O), Morris, Naramore, Owens, Plaster, Roberts, Robertson, Smith (C), Sonnier, Venable, Waggoner, Warren, Whatley and Wyatt.

—30

